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CENTRAL DISTRICT OF CALIFORNIA

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Plaintiff in Propria Persona

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

TODD R. G. HILL,  
Plaintiff,

v.

THE BOARD OF DIRECTORS,  
OFFICERS AND AGENTS AND  
INDIVIDUALS OF THE PEOPLES  
OF THE COLLEGE OF LAW, et. al.,

Defendants.

Case No. 2:23-cv-01298-JLS-BFM

**PLAINTIFF'S REQUEST FOR  
JUDICIAL NOTICE OF  
PROCEDURAL DEFICIENCIES AND  
DEFENDANTS' FAILURE TO  
ENGAGE IN GOOD FAITH UNDER  
LOCAL RULE 7-3**

The Hon. Josephine L. Staton  
Courtroom 8A, 8<sup>th</sup> Floor

Magistrate Judge Brianna Fuller Mircheff  
Courtroom 780, 7<sup>th</sup> Floor

**No Oral Argument Requested**

**PLAINTIFF'S REQUEST FOR JUDICIAL NOTICE OF PROCEDURAL DEFICIENCIES AND  
DEFENDANTS' FAILURE TO ENGAGE IN GOOD FAITH UNDER LOCAL RULE 7-3**

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1 **Cases**

2 *Carmax Auto Superstores Cal. LLC v. Hernandez*, 94 F. Supp. 3d 1078 (C.D. Cal. 2015).4,  
3 8, 16  
4  
5 *In re Korean Air Lines Co.*, 642 F.3d 685, 689 n.1 (9th Cir. 2011)..... 7  
6 *Khoja v. Orexigen Therapeutics, Inc.*, 899 F.3d 988, 998-1000 (9th Cir. 2018) ..... 7  
7 *Niedermeier v. Office of Max S. Baucus*, 153 F. Supp. 2d 23 (D.D.C. 2001)..... 4  
8 *Patrick v. Teays Valley Trs., LLC*, 297 F.R.D. 248 (S.D. W. Va. 2013) ..... 22  
9  
10 *Rohr v. Crime Victims Comp. Comm'n*, CIV. No. 16-00162 LEK-RT, at \*11-12 (D. Haw.  
11 July 22, 2019) ..... 7  
12 *Yang v. Robert Half Int'l, Inc.*, 79 F.4th 949 (9th Cir. 2023) ..... 23  
13

14 **Rules**

15 Federal Rule of Evidence 201(b)..... passim  
16 Local Rule 7-3 ..... passim  
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## Plaintiff's Motion for Judicial Notice

### I. INTRODUCTION

Plaintiff Todd Hill respectfully requests that this Court take judicial notice of procedural irregularities and potential bad faith conduct by Defendants' counsel, Haight Brown & Bonesteel. These procedural deficiencies, including violations of Local Rule 7-3, have created unnecessary delays, hindered substantive resolution, and obstructed the efficient litigation of this matter. Judicial notice is crucial to correct these procedural missteps and ensure all parties are held to consistent and equitable standards.

These facts are central to evaluating whether Defendants' actions complied with mandated procedural requirements under Local Rule 7-3, particularly in the context of motions presented in Dockets 186, 194, 195, and 196.

Defendants' failure to engage in a good-faith meet and confer process, as evidenced by their premature filing of motions and lack of substantive discussion, constitutes a significant procedural deficiency. The Court has repeatedly emphasized the importance of meaningful and good-faith engagement in the meet and confer process, regardless of whether a party believes it will be productive. *See Niedermeier v. Office of Max S. Baucus*, 153 F. Supp. 2d 23 (D.D.C. 2001).

Defendants' actions demonstrate a clear disregard for the requirements of Local Rule 7-3, which mandates that counsel engage in a substantive discussion regarding the contemplated motion and potential resolutions at least seven days prior to filing. Failure to comply with this rule can result in the Court refusing to consider the motion. *See Carmax Auto Superstores Cal. LLC v. Hernandez*, 94 F. Supp. 3d 1078 (C.D. Cal. 2015).



## II. PROCEDURAL HISTORY

To support this Motion for Judicial Notice, Plaintiff provides the following procedural history, highlighting key events relevant to the pending motions and demonstrating the procedural deficiencies that have occurred:

1. **Initial Meet-and-Confer Attempts:** On **September 3, 2024**, Mr. Jeffrey Kirwin, representing Defendants, attempted an unscheduled and unauthorized meet-and-confer phone call. Plaintiff asserts that he was not adequately informed or prepared for this call, and it lacked the formality and substance required to satisfy **Local Rule 7-3**.
2. **Purported Meet-and-Confer on September 5, 2024:** A second meet-and-confer took place on **September 5, 2024**, involving Ms. Jamshidi. Despite this attempt, the discussion did not engage substantively with the issues relevant to the motions later filed by Defendants, including **Dockets 194 and 196**. Additionally, there remains a dispute over whether all Defendants had expressly authorized Ms. Davis, Ms. Jamshidi or Mr. Kirwin to act on their behalf during these sessions.
3. **Filing of Motion to Dismiss (Docket 159):** On **September 9, 2024**, Defendants filed their **Motion to Dismiss** (Docket 159), fewer than the required **seven days** following the attempted meet-and-confer on **September 5, 2024**. This filing was made in clear violation of **Local Rule 7-3**, which mandates a seven-day period following the meet-and-confer before filing any motions. This rule exists to provide sufficient time for meaningful engagement and resolution of disputes prior to court intervention.
4. **Service Waiver Authorization and Ambiguity:** Defendants' counsel subsequently indicated in **Docket 196** that service waiver authorizations were "received by October 11,

2024." However, the phrasing used was ambiguous, lacking clarity as to the exact timing of when authorizations were received. This ambiguity calls into question whether Defendants were properly authorized to proceed with filings made prior to that date.

5. **Lack of Corrective Filings:** Plaintiff has identified that no corrective filings have been made to address inconsistencies in affidavit captions or rectify the deficiencies in procedural compliance. This includes the failure to properly identify declarants or purpose of multiple affidavits presented in the motion to dismiss at Docket 186.
6. **Request for Stipulations:** On **November 13, 2024**, Plaintiff sent a detailed stipulation request to Defendants in an effort to simplify the procedural issues for this Court and avoid unnecessary disputes. The request was promptly rejected in less than 15 minutes by Ms. Jamshidi on behalf of Defendants, suggesting a deliberate lack of interest in cooperating to promote judicial efficiency or procedural transparency.

It should be noted that Defendant Spiro is not formally represented by Haight Brown & Bonesteel, nor is he a member of their defense team. Defendant Spiro is acting independently as a pro se attorney in this matter. However, his procedural conduct, including his participation in meet-and-confer efforts and coordination with other defense counsel, is closely related to the overall defense strategy and has a direct bearing on Plaintiff's procedural rights.

### III. LEGAL STANDARD

Federal Rule of Evidence 201(b) permits a court to take judicial notice of a fact that is not subject to reasonable dispute because it: (1) is generally known within the trial court's territorial jurisdiction, or (2) can be accurately and readily determined from sources whose accuracy cannot

1 reasonably be questioned. Courts may take judicial notice of documents in the record of the case,  
2 undisputed procedural facts, and other evidence that meets the requirements under FRE 201.

3  
4 Judicial notice is appropriate to avoid unnecessary disputes over matters that can be easily  
5 verified, thus promoting judicial efficiency and focusing the litigation on genuine issues of fact or  
6 law. The Ninth Circuit has held that judicial notice serves an important role in ensuring that courts  
7 operate efficiently and fairly, as illustrated in *Khoja v. Orexigen Therapeutics, Inc.*, 899 F.3d 988,  
8 998-1000 (9th Cir. 2018). But see *Rohr v. Crime Victims Comp. Comm'n*, clarifying:

9  
10 This Court may, however, take judicial notice of facts that are "generally known" or  
11 "can be accurately and readily determined from sources whose accuracy cannot reasonably  
12 be questioned" and is not subject to reasonable dispute. See Fed. R. Evid. 201(b). Matters  
13 of public record are not subject to reasonable dispute. See *United States v. Raygoza-*  
14 *Garcia*, 902 F.3d 994, 1001 (9th Cir. 2018) ("A court may take judicial notice of undisputed  
15 matters of public record, which may include court records available through PACER."  
16 (citations omitted)). "A court may take judicial notice of its own records in other cases, as  
17 well as the records of an inferior court in other cases." *In re Korean Air Lines Co.*, 642 F.3d  
18 685, 689 n.1 (9th Cir. 2011) (citation, brackets, and internal quotation marks omitted); but  
19 see *Khoja v. Orexigen Therapeutics, Inc.*, 899 F.3d 988, 999 (9th Cir. 2018) ("a court  
20 cannot take judicial notice of disputed facts contained in such public records" (citation  
21 omitted)).  
22  
23

24 *Rohr v. Crime Victims Comp. Comm'n*, CIV. No. 16-00162 LEK-RT, at \*11-12 (D.  
25 Haw. July 22, 2019)

26  
27 Compliance with procedural requirements, such as those mandated by Local Rule 7-3, is  
28 essential to uphold judicial integrity and fairness. Courts have consistently emphasized that the  
**PLAINTIFF'S REQUEST FOR JUDICIAL NOTICE OF PROCEDURAL DEFICIENCIES AND**  
**DEFENDANTS' FAILURE TO ENGAGE IN GOOD FAITH UNDER LOCAL RULE 7-3**

1 meet-and-confer process is not a perfunctory exercise but a substantive engagement aimed at  
2 resolving disputes before involving judicial resources. Failure to comply with these procedural  
3 requirements undermines the litigation process and warrants corrective judicial action, including  
4 the issuance of judicial notice, as described in *CarMax Auto Superstores Cal. LLC v. Hernandez*,  
5 94 F. Supp. 3d 1078 (C.D. Cal. 2015).  
6

7 The purpose of Local Rule 7-3 is to promote meaningful discussion between parties and  
8 reduce the burden on courts. Judicial notice in this case will ensure that Defendants are held  
9 accountable for their procedural deficiencies and that the case proceeds fairly, free from  
10 unnecessary procedural abuses.  
11

#### 12 **IV. BASIS FOR JUDICIAL NOTICE**

14 Federal Rule of Evidence 201 permits judicial notice of a fact that is not subject to  
15 reasonable dispute because it: (1) is generally known within the trial court's territorial jurisdiction,  
16 or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably  
17 be questioned. The facts presented herein meet these criteria, as they are evidenced by the  
18 record—including filings by the Defendants—and are supported by clear documentation.  
19

20 The facts presented in this motion are not speculative or subject to reasonable dispute; they  
21 are supported by the record, including affidavits and email communications submitted by the  
22 parties. Judicial notice is therefore appropriate under **Federal Rule of Evidence 201(b)**, as it will  
23 correct misrepresentations and provide the Court with an accurate procedural history. Plaintiff  
24 respectfully requests that the Court grant judicial notice of these facts to preserve the integrity of  
25 this proceeding and ensure that the case moves forward on a fair and transparent basis.  
26  
27

1           **A. Introduction of Exhibits as True and Accurate Copies**

2           Plaintiff hereby introduces the following exhibits (A, B, C, and D) in support of the present  
3 motion for judicial notice. Plaintiff asserts that these exhibits are true and accurate copies of the  
4 original documents and are provided to accurately reflect the events and communications pertinent  
5 to this case. These documents have not been altered and are submitted as they were originally  
6 produced or exchanged during the relevant period.  
7

8           Each exhibit is intended to demonstrate specific procedural interactions and  
9 communications between the parties, which are crucial to substantiating Plaintiff's request for  
10 judicial notice under Federal Rule of Evidence 201. The authenticity and accuracy of these  
11 exhibits can be independently verified, and they are appropriate for judicial notice as they contain  
12 facts that are not subject to reasonable dispute.  
13  
14

15           **V. ADDITIONAL GROUNDS FOR JUDICIAL NOTICE**

16  
17           **A. Addressing the Allegation of Procedural Technicalities**

18           The procedural discrepancies highlighted in this motion are not minor or insubstantial.  
19 They directly impact the fairness and transparency of these proceedings. Defendants have  
20 attempted to dismiss Plaintiff's focus on these matters as mere "technicalities" without substantive  
21 effect. However, compliance with procedural rules, particularly Local Rule 7-3 concerning meet-  
22 and-confer requirements, exists to safeguard fair participation and judicial efficiency.  
23  
24

25           The significance of the procedural deficiencies outlined here is twofold: (1) they highlight  
26 potential attempts by Defendants to circumvent procedural requirements, thereby undermining  
27 Plaintiff's ability to meaningfully engage in pre-motion discussions, and (2) they establish a  
28

broader pattern of conduct indicative of a lack of respect for procedural fairness. Judicial notice is therefore warranted to correct the record, ensure that all parties are complying with established protocols, and mitigate further procedural abuses.

### **B. Prejudice and Material Harm to Plaintiff**

The procedural deficiencies outlined above have significantly prejudiced Plaintiff, causing increased legal expenses due to unnecessary motion practice, delayed responses due to ambiguity in authorizations, and missed opportunities for resolving disputes without court intervention. The improper and premature filing of motions necessitated additional responses from Plaintiff, compounding legal costs and delaying the case's progression by several weeks. Such procedural abuses have not only affected Plaintiff financially but also undermined the efficient resolution of the matter.

The procedural deficiencies committed by Defendants have had a tangible impact on Plaintiff's ability to prepare and respond effectively. Specifically, the failure to properly authorize meet-and-confer participation and the ambiguous phrasing regarding service waiver authorizations have prejudiced Plaintiff in the following ways:

1. Lack of Transparency and Good Faith: By conducting an unscheduled and unauthorized meet-and-confer session, Defendants deprived Plaintiff of an opportunity to adequately prepare and respond to the issues raised. Plaintiff's repeated requests for clarity regarding this process were either ignored or inadequately addressed, compounding the prejudice.
2. Premature Motion Filings: The fact that Defendants filed their Motion to Dismiss (Docket 159) fewer than seven days after the purported meet-and-confer on September 5, 2024, demonstrates a disregard for procedural rules designed to provide Plaintiff with sufficient time to consider Defendants' arguments and potentially resolve disputes prior to filing.

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1 Such actions have led to unnecessary motion practice, wasted judicial resources, and  
2 delayed the progress of this litigation.

- 3 3. Ambiguity in Service Waiver Authorization: Defendants' use of the phrase "received by  
4 October 11, 2024" concerning service waiver authorizations lacks the specificity required  
5 for clarity. This ambiguity prevents Plaintiff from understanding the precise timing of  
6 authorizations and raises questions about whether Defendants were properly authorized to  
7 file certain motions. Judicial notice is warranted to clarify these discrepancies and ensure  
8 that Defendants' actions are subject to proper scrutiny.  
9

10 **C. Need for Judicial Efficiency and Transparency**  
11

12 Judicial notice of the outlined procedural discrepancies serves not only to correct the  
13 record but also to prevent further procedural abuses. By acknowledging these procedural errors,  
14 the Court can discourage Defendants from engaging in further non-compliance, thereby promoting  
15 judicial efficiency and ensuring that the case proceeds on a transparent and equitable basis.  
16

17 The purpose of Local Rule 7-3 is to foster meaningful discussion between parties to  
18 resolve disputes before involving the Court. Defendants' procedural missteps—including a failure  
19 to adhere to the seven-day notice requirement—run counter to this purpose, contributing to  
20 unnecessary judicial intervention. Judicial notice will help reinforce the importance of these  
21 procedural rules and ensure that all parties are held to consistent standards of conduct.  
22

23 Defendants' disregard for Local Rule 7-3 has led to premature filings and subsequent  
24 unnecessary motions, which have burdened both Plaintiff and the Court. The meet-and-confer  
25 process is intended to reduce the need for judicial intervention by encouraging parties to resolve  
26 disputes proactively. The absence of substantive engagement, as demonstrated by Defendants'  
27 superficial responses, has led to increased motion practice and wasted judicial time. Judicial notice  
28

**PLAINTIFF'S REQUEST FOR JUDICIAL NOTICE OF PROCEDURAL DEFICIENCIES AND  
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1 is necessary to reinforce procedural requirements and ensure that similar abuses do not continue to  
2 impede the progress of this litigation.

#### 3 4 **D. Proactive Engagement by Plaintiff**

5 Plaintiff has consistently sought to engage in good faith with Defendants to address these  
6 procedural issues without Court intervention. Plaintiff sent a detailed stipulation request to  
7 Defendants on November 13, 2024, aimed at simplifying the issues for this Court. Defendants  
8 promptly rejected this request without any discussion, suggesting a deliberate strategy to avoid  
9 transparency and cooperation. This rejection further supports Plaintiff's contention that judicial  
10 notice is necessary to ensure that Defendants do not continue to sidestep their procedural  
11 obligations.  
12

#### 13 14 **E. How Exhibits Substantiate Judicial Notice**

15 Plaintiff requests that the Court take judicial notice of Defendants' procedural missteps as  
16 outlined in the supporting correspondence (Exhibits A, B, C, and D). These documents are  
17 submitted under FRE 201(b) as they contain facts "not subject to reasonable dispute" regarding  
18 procedural communications between Plaintiff and Defendants. These facts establish a pattern of  
19 obstructive behavior, including premature filing of motions and failure to conduct substantive  
20 meet-and-confer discussions in line with Local Rule 7-3.  
21

- 22
- 23 1. Exhibit A demonstrates that Plaintiff requested a meet-and-confer with Defendant Spiro to  
24 address newly raised issues in filings at Dockets 181 and 182. This is relevant to illustrate  
25 the introduction of previously unconsidered arguments by Defendant Spiro, which  
26 necessitated Plaintiff's proactive communication to avoid procedural delays. While  
27 Defendant Spiro is not part of the Haight defense team, his involvement in the meet-and-  
28



1 confer process is crucial to understanding the procedural deficiencies that have occurred in  
2 this case. The coordination, or lack thereof, between Defendant Spiro and Haight's counsel  
3 further exacerbates the procedural challenges and demonstrates a collective failure to  
4 comply with Local Rule 7-3 requirements. This failure ultimately impeded Plaintiff's  
5 ability to engage meaningfully with any of the defendants.  
6

7 a. Exhibit A meets the requirements of FRE 201(b) because the meet-and-confer  
8 requests and responses are documented communications, the authenticity of which  
9 cannot reasonably be disputed. These facts are not subject to interpretation but are  
10 simply part of the procedural history as verified by the record.

11 2. Exhibit B documents a series of email exchanges between Plaintiff and Defendant counsel  
12 Ms. Davis, Ms. Jamshidi and Mr. Kirwin, regarding outstanding service waivers necessary  
13 for an accurate procedural record. Defendant counsel's inconsistent statements during these  
14 communications underscore a lack of good faith, further justifying judicial notice.  
15

16 a. Exhibit B meets the requirements of FRE 201(b) because the meet-and-confer or  
17 request for documents and responses are documented communications, the  
18 authenticity of which cannot reasonably be disputed for the relevant context. These  
19 facts are not subject to interpretation but are simply part of the procedural history  
20 as verified by the record.  
21

22 3. Exhibit C provides evidence that Plaintiff issued a detailed agenda ahead of the meet-and-  
23 confer session on September 17, 2024. This agenda was met with resistance from  
24 Defendant Jamshidi, who explicitly rejected discussion points unrelated to potential  
25 sanctions. This failure to engage substantively is material to Plaintiff's contention that  
26 Defendants have failed to comply with the procedural requirements of Local Rule 7-3.  
27

- 1 a. Exhibit C meets the requirements of FRE 201(b) because the meet-and-confer  
2 requests and responses are documented communications, the authenticity of which  
3 cannot reasonably be disputed. These facts are not subject to interpretation but are  
4 simply part of the procedural history as verified by the record.  
5
- 6 4. Exhibit D is Plaintiff's request for stipulations regarding procedural facts critical to judicial  
7 efficiency. These stipulations, had they been accepted, would have narrowed the issues for  
8 judicial review, yet Defendants chose not to cooperate. The contents of this exhibit  
9 substantiate Plaintiff's argument that judicial notice is warranted to correct procedural  
10 inaccuracies and prevent Defendants from leveraging their own non-compliance for  
11 procedural advantage.  
12
- 13 a. Plaintiff requests that the Court take judicial notice of the categorical denial by  
14 Defendants of Plaintiff's efforts to achieve a good faith stipulation and narrow some  
15 of the disputed issues. Exhibit D, a contemporaneous record of the email exchanges  
16 between Plaintiff and Defendants, demonstrates that Defendants categorically  
17 rejected Plaintiff's attempts to stipulate to procedural facts within approximately 15  
18 minutes of receipt. This rejection reflects a lack of substantive engagement and an  
19 unwillingness to pursue good faith cooperation. Such conduct is inconsistent with  
20 the spirit of Local Rule 7-3, which aims to promote the efficient resolution of  
21 disputes without unnecessary judicial intervention.  
22
- 23 b. The timing and categorical nature of the rejection, as evidenced in Exhibit D,  
24 support Plaintiff's contention that Defendants have not engaged in the meaningful  
25 meet-and-confer process required by the rules. These facts, which are accurately  
26 captured in the exhibit and cannot be reasonably disputed, warrant judicial notice  
27  
28

1 under FRE 201(b) as they are key to understanding the procedural deficiencies in  
2 this case.

3 c. Exhibit D meets the requirements of FRE 201(b) because the meet-and-confer  
4 requests and responses are documented communications, the authenticity of which  
5 cannot reasonably be disputed. These facts are not subject to interpretation but are  
6 simply part of the procedural history as verified by the record.  
7

8 While Defendant Spiro is not part of the Haight defense team, his involvement in the meet-  
9 and-confer process is crucial to understanding the procedural deficiencies that have occurred in  
10 this case. The coordination, or lack thereof, between Defendant Spiro and Haight's counsel further  
11 exacerbates the procedural challenges and demonstrates a collective failure to comply with Local  
12 Rule 7-3 requirements. This failure ultimately impeded Plaintiff's ability to engage meaningfully  
13 with any of the defendants.  
14

15 Plaintiff's attached exhibits further support the contention that the meet-and-confer process  
16 was not conducted in good faith by Defendants. Specifically, Exhibit C reveals that Defendants  
17 outright refused to discuss several key issues, despite Plaintiff's repeated requests for clarification  
18 and cooperation. Furthermore, Exhibit D demonstrates Plaintiff's attempts to obtain stipulations  
19 regarding procedural facts, which would have streamlined the proceedings and minimized the  
20 need for judicial intervention in this specific context. These exhibits confirm that Plaintiff's  
21 requests are not aimed at burdening Defendants, but rather at ensuring compliance and preventing  
22 procedural gamesmanship.  
23  
24

25 **F. Cited Procedural Discrepancies are not "Subjective Interpretations"**

26  
27 Defendants are likely to assert that the procedural deficiencies cited by Plaintiff are merely  
28 "technicalities" without significant impact. However, compliance with Local Rule 7-3 is not a  
**PLAINTIFF'S REQUEST FOR JUDICIAL NOTICE OF PROCEDURAL DEFICIENCIES AND**  
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1 perfunctory exercise—it serves to promote meaningful engagement between the parties, reduce  
2 unnecessary burden on the Court, and foster timely and fair resolution of disputes. The failure to  
3 comply with these rules prejudices Plaintiff by preventing opportunities for resolution before  
4 resorting to judicial action, leading to increased litigation costs and delays. Courts have routinely  
5 upheld that procedural requirements are essential to maintaining the integrity of judicial processes  
6 and ensuring a level playing field for all parties involved. Judicial notice is thus warranted to  
7 correct the record and enforce procedural integrity. Here, as established in *CarMax Auto*  
8 *Superstores Cal. LLC v. Hernandez*, procedural compliance is essential to preserving judicial  
9 integrity and ensuring equitable treatment for all parties. The rules governing meet-and-confer  
10 sessions are not arbitrary but are explicitly designed to foster genuine, productive discussions. By  
11 disregarding these rules, Defendants undermine not only Plaintiff's procedural rights but also the  
12 Court's ability to manage the case effectively.

13  
14  
15 1. It is anticipated that Defendants will attempt to argue that the procedural discrepancies  
16 cited by Plaintiff are merely subjective interpretations rather than uncontested facts  
17 suitable for judicial notice. However, the facts presented here meet the standard of Federal  
18 Rule of Evidence 201 because they are not matters of opinion but are verifiable events that  
19 occurred in the procedural history of this case. These facts—such as the dates of the meet-  
20 and-confer attempts, the content of email communications, and the timeline of service  
21 waiver authorizations—are recorded in documentation provided by Defendants  
22 themselves, thereby rendering them beyond reasonable dispute.

23  
24  
25 2. Furthermore, Defendants may assert that Plaintiff's focus on procedural compliance  
26 amounts to an overemphasis on "technicalities." However, compliance with Local Rule 7-3  
27 is not a mere formality but a substantive requirement aimed at ensuring procedural fairness

1 and judicial efficiency. As referenced above, Courts have routinely held that procedural  
2 compliance is integral to the just and efficient resolution of disputes. Judicial notice in this  
3 case does not serve to elevate trivialities but to underscore the importance of fairness and  
4 accountability in the litigation process.

5  
6 Plaintiff requests that the Court in this context recognize the difference between factual  
7 discrepancies—properly addressed by judicial notice—and any subjective characterization of  
8 those facts that Defendants might offer. The issues highlighted in this motion do not concern  
9 conflicting opinions or interpretations; rather, they involve documented procedural actions and  
10 their timeline, which can be verified independently. Judicial notice is therefore appropriate to  
11 correct the record and ensure that both parties are held to consistent procedural standards.  
12

## 13 **VI. FACTS SUBJECT TO JUDICIAL NOTICE**

14  
15 Plaintiff requests that the Court take judicial notice of the following facts, exhibits and this filing  
16 as well as Dockets 186, 194, 195, and 196:  
17

### 18 **1. Facts Not Subject to Reasonable Dispute**

#### 19 **A. Meet and Confer Process**

- 20  
21 1. An attempted meet-and-confer phone call by Mr. Kirwin took place on September 3, 2024.  
22 This call was unscheduled and therefore did not meet the good faith requirement of Local  
23 Rule 7-3, which necessitates a genuine effort to engage in substantive discussions.  
24  
25 2. The purported meet-and-confer conducted on September 5, 2024, did not include  
26 substantive engagement on the specific issues raised in Dockets 194 and 196. This further  
27 demonstrates the defendants' lack of good faith in complying with Local Rule 7-3.  
28

1 B. Service Waiver Authorization

- 2
- 3 1. Docket 159 was filed on September 9, 2024, before receipt of authorizations from the
- 4 defendants covered in the Motion to Dismiss at Docket 186. This premature filing
- 5 constitutes a violation of Local Rule 7-3 and demonstrates the defendants' disregard for
- 6 procedural rules in the context that they claim compliance with the rule based on this
- 7 meeting. Notably, Plaintiff has asserted that the September 9, 2024 filing was not
- 8 compliant with L.R. 7-3. (See Docket 194)
- 9
- 10 2. The service waiver authorization referenced in Docket 196 was received by Haight's office
- 11 "by October 11, 2024". This date is critical as it establishes that the defendants were not
- 12 properly authorized to engage in the meet-and-confer process on September 3 and 5, 2024.
- 13

14 **2. Defendants' Non-Compliance with Local Rule 7-3**

15 A. Defendants' Motion to Dismiss at Docket 186 was filed on October 21, 2024, and

16 claimed that a meet-and-confer session took place on September 5, 2024.

17 Defendants' motion to dismiss Plaintiff's Third Amended Complaint (TAC), as filed in

18 Docket 196, claims that a meet-and-confer took place on **September 5, 2024**. However, Plaintiff

19 contends that the attempted meet-and-confer did not comply with Local Rule 7-3, as it lacked

20 substantive engagement. The declaration from Mr. Kirwin, attached to Docket 196, references an

21 attempted phone call, which Plaintiff argues falls short of the requirement to engage in

22 meaningful, good faith discussions.

23

24 B. Defendants' Motion to Dismiss was filed prematurely, violating Local Rule 7-3, which

25 requires a 7-day waiting period after the meet-and-confer process before filing a

26 motion.

27 The email records attached to Docket 194, Exhibit B, indicate that Plaintiff sought

28 clarification and attempted to initiate meaningful discussions before Defendants proceeded with

1 their motion. Despite Plaintiff's repeated efforts, these requests were largely ignored or  
2 inadequately addressed, indicating a lack of willingness by Defendants to cooperate effectively.

3  
4 C. Mr. Kirwin's attempted phone call on September 3, 2024, was unscheduled.

5 The attempted phone call does not meet the requirement of Local Rule 7-3 to engage in  
6 meaningful, good-faith discussions before filing a motion. The attempted phone call, much like the  
7 claimed 'meet and confer' on September 5, 2024, does not satisfy the good faith or substantive  
8 engagement requirements of Local Rule 7-3.

9  
10 **3. Date of Service Waiver Authorization**

- 11 • According to the Kirwin declaration in Docket 196, service waiver authorization was  
12 received **by October 11, 2024**. This ambiguous phrasing, indicating that authorization was  
13 received "by" that date, suggests a lack of transparency regarding the actual timing of  
14 receipt. This lack of specificity raises significant concerns about whether Defendants  
15 delayed providing proper authorization and whether such delays were deliberate. The  
16 authorization postdating the September 3, 2024, meet-and-confer attempt further suggests  
17 that Mr. Kirwin's and Haight's meet-and-confer efforts were conducted without the  
18 necessary authority, which undermines the legitimacy of their engagement as required by  
19 Local Rule 7-3. The vague phrasing also implies that Defendants may be withholding  
20 critical information, which further highlights improper conduct and a potential attempt to  
21 obscure the procedural timeline.  
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## VII. IMPLICATIONS OF THE FACTUAL DISCREPANCIES

### 1. Lack of Good Faith Engagement and Procedural Irregularities

The meet-and-confer attempt described in Docket 196 does not satisfy the requirement of good faith engagement under Local Rule 7-3. The failure to substantively address Plaintiff's requests for clarification, coupled with the procedural issues surrounding the timing of the attempted meet-and-confer, suggests that Defendants have not acted in accordance with procedural norms intended to foster fair and efficient resolution of pre-motion disputes. The records in Docket 194, particularly Exhibit B, demonstrate that Defendants' responses were superficial and did not provide the necessary substance for a genuine meet-and-confer.

Defendant Spiro's actions, even if they were *in arguendo* undertaken independently of the Haight defense team, have had a material impact on Plaintiff's ability to engage effectively in the meet-and-confer process. Spiro's independent conduct should not be viewed in isolation but rather as part of the broader context of procedural non-compliance involving all defendants. The procedural deficiencies highlighted here involve multiple defense actors whose lack of good-faith coordination and substantive engagement ultimately contributed to an unfair pre-motion process.

### 2. Procedural Delays and Prejudice to Plaintiff

The delay in providing the service waiver authorization, as outlined in Docket 196, raises concerns about Defendants' intent. Whether these delays were deliberate or negligent, they created procedural uncertainty and prejudiced Plaintiff's ability to effectively prepare and respond to the filings. Such conduct suggests a disregard for procedural fairness. The fact that the waiver authorization was only received "by **October 11, 2024**," without clarification as to when it was actually received, over a month after the attempted meet-and-confer on **September 3, 2024**,



1 further indicates that Defendants may have engaged in procedural actions without proper  
2 authority. This is corroborated by Plaintiff's arguments in Docket 194, where Plaintiff contends  
3 that the meet-and-confer was not legitimate due to the absence of the necessary authorization. The  
4 lack of transparency in Defendants' representations further contributes to the perception of bad  
5 faith.

## 8 **VIII. LEGAL BASIS FOR JUDICIAL NOTICE**

9 **Federal Rule of Evidence 201(b)** permits the Court to take judicial notice of a fact that is not  
10 subject to reasonable dispute because it is either generally known or capable of accurate and ready  
11 determination from reliable sources. The facts outlined above meet this standard.

- 13 • **Relevance:** These facts are directly relevant to the Court's evaluation of Defendants'  
14 procedural conduct and their adherence to Local Rule 7-3.
- 16 • **Incontrovertibility:** The facts are verifiable through the filings made by Defendants,  
17 including their affidavits and the email records submitted by Plaintiff.
- 19 • **Judicial Efficiency:** Judicial notice of these discrepancies will streamline the Court's  
20 evaluation of whether Defendants have complied with required procedural norms, thereby  
21 preventing future unnecessary delays and conserving judicial resources.

## 23 **IX. REQUEST FOR RELIEF**

24 Plaintiff respectfully requests that the Court take judicial notice of procedural  
25 discrepancies committed by Defendants, as documented in the attached exhibits. These procedural  
26 violations go beyond mere technicalities; they reflect a persistent pattern of conduct that has  
27

1           impeded Plaintiff's ability to litigate this matter efficiently and fairly. Judicial notice is  
2 necessary to prevent further prejudice and to ensure that all parties comply with Local Rule 7-3,  
3 which exists to facilitate meaningful engagement prior to filing motions.  
4

5           Furthermore, Plaintiff respectfully requests that the Court take judicial notice of the facts  
6 regarding procedural discrepancies and Defendants' non-compliance, as detailed above. The Court  
7 has consistently held that good faith in the meet and confer process requires more than perfunctory  
8 attempts; it necessitates a genuine effort to resolve disputes through non-judicial means.  
9 Defendants' conduct, as evidenced by their lack of substantive engagement and dismissive  
10 responses to Plaintiff's attempts to clarify the issues, falls short of this standard. *See Patrick v.*  
11 *Teays Valley Trs., LLC*, 297 F.R.D. 248 (S.D. W. Va. 2013). Additionally, Plaintiff requests that the  
12 Court order Defendants to comply with Local Rule 7-3 by conducting a proper meet-and-confer  
13 session with appropriate authorization. Given the procedural missteps outlined, Plaintiff also  
14 requests that the Court deny Defendants' motion to dismiss outright or, in the alternative, issue  
15 sanctions for non-compliance and lack of good faith.  
16  
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18           Plaintiff also requests that the Court address procedural discrepancies involving Defendant  
19 Spiro separately from the Haight defense team. Although Spiro is presumed to have acted  
20 independently, his failure to comply with procedural norms, including the meet-and-confer  
21 requirements, materially impacted Plaintiff's ability to engage meaningfully with the other  
22 Defendants. The Court should take judicial notice of these discrepancies to ensure that all  
23 parties—whether independently represented or part of a larger defense team—are held to  
24 consistent standards.  
25

26           In the event that the Court finds that further clarification is required to determine the  
27 factual accuracy of the procedural history presented, Plaintiff requests that the Court schedule an  
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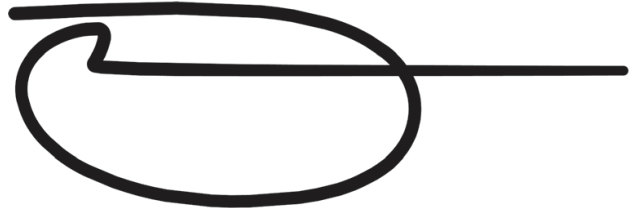
1 **evidentiary hearing** to allow both parties to fully address these procedural discrepancies. Such a  
2 hearing will ensure that the facts are fully developed and that any ambiguity is resolved in the  
3 interests of fairness and judicial efficiency.  
4

5 Plaintiff respectfully requests that the Court take judicial notice of the procedural  
6 deficiencies detailed in Exhibits A, B, C, and D. Plaintiff emphasizes that the purpose of this  
7 request is to ensure a level playing field as this matter proceeds. Plaintiff has a strong desire to  
8 proceed on the merits of this case to discovery, believing that addressing these procedural issues is  
9 essential to enabling a fair and thorough exploration of all relevant facts. By ensuring procedural  
10 compliance, the Court will be in a better position to facilitate a just resolution based on the  
11 substantive merits of the claims and defenses presented.  
12

## 13 14 **X. CONCLUSION**

15 The Court has recognized that merely citing letters or emails without a genuine attempt to  
16 meet and confer does not satisfy the requirements of Local Rule 7-3. Defendants' reliance on a  
17 single, cursory email exchange and their subsequent refusal to engage in substantive discussions  
18 demonstrate a lack of meaningful engagement and a disregard for the spirit of the rule. *See Yang v.*  
19 *Robert Half Int'l, Inc.*, 79 F.4th 949 (9th Cir. 2023). Plaintiff further requests that the Court take  
20 appropriate judicial action to ensure adherence to procedural norms and to safeguard Plaintiff's  
21 rights in this litigation.  
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1  
2 RESPECTFULLY SUBMITTED,  
3  
4

5   
6  
7

8 By: \_\_\_\_\_

Todd R.G. Hill

9 Plaintiff, appearing In Propria Persona

10 DATED: November 15, 2024

11 **STATEMENT OF COMPLIANCE WITH LOCAL RULE 11-6.1**

12 The undersigned party certifies that this brief contains 5,210 words, which complies with  
13 the 7,000-word limit of L.R. 11-6.1.  
14

15 Respectfully submitted,

16   
17

18 Todd R.G. Hill

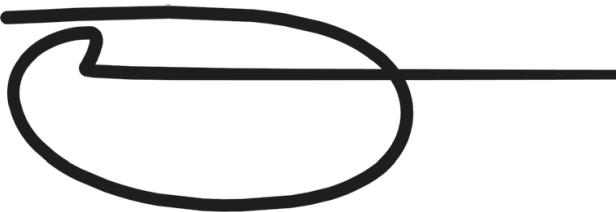
19 Plaintiff, in Propria Persona  
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**Plaintiff's Proof of Service**

This section confirms that all necessary documents will be properly served pursuant to L.R. 5-3.2.1 Service. This document will be/has been electronically filed. The electronic filing of a document causes a "Notice of Electronic Filing" ("NEF") to be automatically generated by the CM/ECF System and sent by e-mail to: (1) all attorneys who have appeared in the case in this Court and (2) all pro se parties who have been granted leave to file documents electronically in the case pursuant to L.R. 5-4.1.1 or who have appeared in the case and are registered to receive service through the CM/ECF System pursuant to L.R. 5-3.2.2. Unless service is governed by Fed. R. Civ. P. 4 or L.R. 79-5.3, service with this electronic NEF will constitute service pursuant to the Federal Rules of Civil Procedure, and the NEF itself will constitute proof of service for individuals so served.

Respectfully submitted,

November 15, 2024

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

Todd R.G. Hill  
Plaintiff, in Propria Persona

**AFFIDAVIT OF TODD HILL IN SUPPORT OF PLAINTIFF'S REQUEST  
FOR JUDICIAL NOTICE**

I, Todd Hill, being duly sworn, depose and state under oath as follows:

**1. Personal Background**

1. **Identity:** I am Todd Hill, Plaintiff in the above-captioned matter titled *Hill v. Peoples College of Law et al.* (Case No. 2:3-cv-01298-JLS-BFM) representing myself in propria persona. I currently reside at 8755 W. Olympic Blvd., #218, Los Angeles, CA 90035. My email address is toddryangregoryhill@gmail.com, and my telephone number is (661) 899-8899.
2. **Role in Case:** I am representing myself as a pro se litigant in this case, and I have personal knowledge of all the facts set forth in this affidavit.

**2. Request for Judicial Notice**

3. **Purpose:** This affidavit is submitted in support of Plaintiff's Request for Judicial Notice of procedural deficiencies and Defendants' failure to engage in good faith as required under Local Rule 7-3. This request is made pursuant to Federal Rule of Evidence 201, which permits judicial notice of facts that are not subject to reasonable dispute and are capable of accurate and ready determination.

**3. Exhibits Attached to Motion**

4. **Exhibit A:** Attached as Exhibit A to the Plaintiff's Request for Judicial Notice is a true and accurate copy of the email correspondence dated October 10, 2024, between myself and Defendant Spiro. In this email, I requested a meet-and-confer session to discuss issues newly raised by Defendant Spiro in filings at Dockets 181 and 182. Defendant Spiro's

1 response to this request failed to address the specific procedural issues raised,  
2 demonstrating a lack of substantive engagement.

- 3
- 4 5. **Exhibit B:** Exhibit B is a series of email exchanges between myself and Defendant Spiro  
5 regarding stipulations to correct the procedural record. These emails demonstrate  
6 Defendant Spiro's inconsistent positions and refusal to engage in good faith. I have  
7 attached these emails to show that despite my efforts to resolve discrepancies outside of  
8 the courtroom, these attempts were unsuccessful due to Defendant Spiro's non-cooperation.  
9
- 10 6. **Exhibit C:** Exhibit C consists of the agenda I prepared and emailed to Defendants' counsel  
11 (Ms. Jamshidi, Ms. Davis, and Mr. Kirwin) on September 17, 2024. The agenda outlined  
12 specific points for discussion during our scheduled meet-and-confer session, including  
13 procedural compliance and outstanding waivers. Defendants' refusal to discuss certain  
14 topics unrelated to sanctions is further evidence of their failure to comply in good faith  
15 with the procedural requirements of Local Rule 7-3.  
16
- 17 7. **Exhibit D:** Exhibit D is a true and accurate copy of my email correspondence dated  
18 November 13, 2024, in which I requested stipulations regarding specific procedural facts.  
19 This document also includes Defendants' categorical denial of my request within  
20 approximately 15 minutes of receipt, without substantive consideration. This immediate  
21 rejection is demonstrative of Defendants' unwillingness to meaningfully engage in  
22 narrowing the issues, as required by Local Rule 7-3, and it is relevant to my contention that  
23 judicial notice is appropriate to address these deficiencies.  
24

25  
26 **4. Basis for Judicial Notice**  
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1 8. **Facts Not Subject to Dispute:** The facts contained in Exhibits A, B, C, and D are not  
2 subject to reasonable dispute. They consist of contemporaneous email communications  
3 between myself and Defendants' counsel or Defendant Spiro. These emails were  
4 exchanged directly in relation to the meet-and-confer obligations required under Local  
5 Rule 7-3 and are being presented in their unaltered form.

6  
7 9. **Categorical Denial by Defendants:** Exhibit D specifically demonstrates Defendants'  
8 categorical denial of my efforts to achieve good faith stipulation and to narrow some of the  
9 disputed issues in under 15 minutes from receipt of my request. The timing and nature of  
10 this denial are pertinent to show that Defendants did not engage in meaningful negotiation,  
11 which warrants the Court's intervention through judicial notice.

12  
13 10. **Procedural Impact:** The procedural deficiencies demonstrated in the attached exhibits  
14 have materially prejudiced me by causing undue delay, unnecessary legal costs or use of  
15 resources, and hindered progress in litigating the core issues of this case. Defendants'  
16 refusal to participate in good faith meet-and-confer discussions undermines the goal of  
17 efficient judicial proceedings and necessitates correction by the Court.

18  
19 **5. Certification and Conclusion**

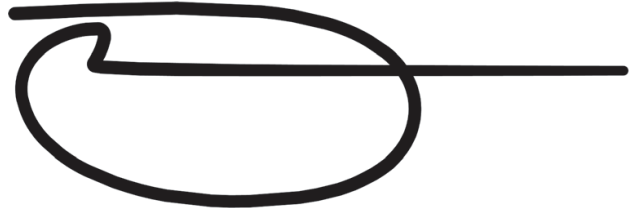
20  
21 11. **True and Accurate Records:** I hereby certify that the exhibits submitted in support of this  
22 motion are true and accurate copies of the original documents as maintained in my records.  
23 No alterations or modifications have been made to these documents, and they are presented  
24 to the Court in their entirety to assist in understanding the context of the procedural  
25 deficiencies at issue.  
26



1 12. **Request for Judicial Notice:** In light of the foregoing, I respectfully request that the Court  
2 take judicial notice of the procedural deficiencies demonstrated by Exhibits A, B, C, and D  
3 and recognize the Defendants' failure to engage in a substantive and good faith manner, as  
4 required under Local Rule 7-3.  
5

6 13. **Verification:** I affirm under penalty of perjury that the foregoing is true and correct to the  
7 best of my knowledge and belief.  
8

9 Executed on this 15th day of November 2024, at Los Angeles, California.

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11  
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14 By: \_\_\_\_\_

Todd R.G. Hill

15 Plaintiff, appearing In Propria Persona  
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17 DATED: November 15, 2024  
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## **EXHIBIT A**



Todd Hill <toddryangregoryhill@gmail.com>

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## Request for Meet and Confer Regarding Contemplated Motion for Leave to File a Surreply or Judicial Notice Stipulation

3 messages

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**Todd Hill** <toddryangregoryhill@gmail.com>  
To: Ira Spiro <ira@spiralawcorp.com>

Thu, Oct 10, 2024 at 12:14 PM

Dear Mr. Spiro,

I am writing to request a meet and confer regarding a contemplated motion for leave to file a surreply in response to your recent filings at Dockets 181 and 182. It has come to my attention that these filings raise new issues and introduce evidence that appears to be improperly used to defend against arguments you claim are not cognizable.

Additionally, the issues I seek to address include the characterizations of evidence presented in your filings. This pertains to the descriptions of the contents and dates associated with transcripts, as well as interpretations of evidence offered to prove matters that are clearly in dispute, including the contents of letters. These discrepancies need to be resolved to ensure the Court is provided with an accurate representation of the facts.

Given the importance of ensuring the Court has a clear understanding of these matters, it is critical that we address these issues before the pending motions are considered. I believe that a discussion between us may help clarify these issues and potentially resolve them without further court intervention.

My goal is to avoid unnecessary procedural delays while ensuring that all parties have a fair opportunity to present their arguments. To that end, I would like to propose that we meet to discuss whether certain points could be addressed through clarification or stipulation, thereby preventing the need for additional filings. This would help streamline the process and avoid burdening the Court with disputes that might otherwise be resolved through direct communication.

Please let me know your availability to meet and confer no later than 5pm on October 11, 2024 for the following week ending October 18, 2024.

I look forward to your response and hope we can find a path forward that facilitates the efficient resolution of these issues.

Thank you for your attention to this matter. I trust that we can work together to resolve these matters in a professional and timely manner.

Best regards,

Todd

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**Ira Spiro** <ira@spiralawcorp.com>  
To: Todd Hill <toddryangregoryhill@gmail.com>

Thu, Oct 10, 2024 at 1:25 PM

I am ill, and I have been ill for over 2 weeks. I have a virus whose main symptom is coughing. Talking brings on a spell of coughing, so I do very little talking on the phone or elsewhere. You are extremely verbose, and every time I talk to you, you talk so rapidly that I have to keep asking you to repeat yourself, slower. So I don't expect this could be a short conversation.

I may test my ability to talk on the phone tonight. And I may be going to my doctor again today. So I might know more tonight or tomorrow.

Beyond that, you are absolutely wrong that my filings you refer to, ECF 181 and 182, introduce new evidence. You certainly know that. **All of the evidence submitted in my filings consists of quotations from your own**

**filings with the court**, as you can plainly see if you will read my two filings. There are two exceptions. One is an email from the court's ECF system transmitting your Third Amended Complaint, and that email was emailed by the ECF system to you, as it plainly shows. You even discussed that ECF emailing in your emails to counsel for the Peoples College of Law defendants, which you filed with the court.

In addition, you say you "seek to address include the characterizations of evidence presented in your filings." But certainly every reply to a motion includes characterizations of the facts or the law or the evidence, or all of them. That is no reason to allow a sur-reply. If it were, there would be sur-replies to every reply. The other is the emailed letter from the State Bar, which, as you can see, was emailed to you. You filed it as an attachment to your opposition to the very motion to dismiss by me that you want to file a sur-reply to.

This is yet another sanctionable attempt by you to waste the time of the court and my time.

*Ira Spiro, Attorney at Law*

**310-235-2350** – if line busy, please leave a message at 310-287-2007

**NO TEXTS -- phones are land lines**

**Please Correspond by EMAIL ONLY, I do NOT promptly see U.S. Mail, Fed Ex, UPS, etc.**

*Los Angeles, Cal.*

[ira@spirolawcorp.com](mailto:ira@spirolawcorp.com)

website: [spirolawcorp.com](http://spirolawcorp.com)

pronouns: *he*

[Quoted text hidden]

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**Todd Hill** <toddryangregoryhill@gmail.com>

Thu, Oct 10, 2024 at 5:35 PM

To: Ira Spiro <[ira@spirolawcorp.com](mailto:ira@spirolawcorp.com)>

Dear Mr. Spiro,

I acknowledge your response regarding your illness and the challenges with communication. I hope for your recovery and understand the limitations this may impose.

However, I must address several of your assertions in a detailed and specific manner to clarify the necessity of a surreply:

1. Introduction of New Evidence and Mischaracterization: While you claim that no new evidence was introduced in ECF 181 and 182, this assertion overlooks key issues regarding misstatements in the filings, which warrant correction and necessitate a surreply.

I will provide concrete examples to illustrate why this is crucial:

A. Misstatement of Transcript Dates: In your filing, you reference specific transcripts and their dates. For instance, you cite a transcript dated "July 10, 2022," to support your argument on certain procedural points. However, the accurate dates for the relevance are likely July 2020, which significantly alters the context and sequence of events presented to the court. The mischaracterization of the transcript date creates a misleading narrative regarding the timing and relevance of procedural discussions.

B. Misrepresentation of Natalie Leonard's Email: Additionally, you cite an email from Natalie Leonard, offering it as evidence to justify your stance in opposition. However, the content of the email, and more importantly, the context in which it was written, has been materially misrepresented. You selectively quote portions of the email to suggest that it validates a specific point in your opposition, while disregarding sections that clearly show the email was part of ongoing discussions

about procedural remedies. This selective quoting creates a materially misleading impression, and addressing this in a surreply would correct the record.

C. Procedural Misrepresentations: Your explanation of the procedural error related to Local Rule 7-3 fails to accurately account for the Court's explicit order and the subsequent confirmation of the response timeline. The Court not only issued an initial order outlining the schedule for filings but also took the additional step of resending the order to ensure clarity regarding the deadlines. Despite this, your filings continue to mischaracterize my adherence to the required procedural timelines, suggesting an oversight on my part that simply does not exist.

By omitting the fact that the Court reaffirmed the timing of the response—underscored by the resend—you create a false impression of noncompliance.

This misrepresentation of procedural history could unfairly prejudice the Court against my case and distorts the facts, necessitating correction. Such procedural misrepresentations are not merely an interpretation of the law but rather a distortion of the process itself, which I am obligated to bring to the Court's attention. This reinforces the need for a surreply to ensure that the record reflects the true procedural posture of the case and prevents any further inaccuracies from affecting the Court's decision-making.

2. Characterizations and Misrepresentations in Evidence: While it is true that every motion and reply involves characterizations of the facts, law, or evidence, the issue here goes beyond standard argumentation. Misrepresenting the content and context of evidence presented as factual constitutes a direct misrepresentation to the Court. It is not simply a matter of differing interpretations, but rather the introduction of misleading information that undermines the integrity of the legal process.

For instance, your use of the ECF system's email transmitting the Third Amended Complaint is misrepresented as having been ignored or overlooked. In reality, my filings, which include direct correspondence and responses to the court, show that I acknowledged the receipt and acted accordingly.

Suggesting otherwise distorts the narrative and falsely implies procedural neglect on my part. The Court should be made aware of this discrepancy through a surreply.

3. Addressing the Need for a Surreply: You argue that if characterizations of evidence alone warranted a surreply, every reply would have one. However, the unique nature of this case, the material misrepresentations in your filings, and the improper use of evidence require that I seek the permission for a surreply to clarify these matters. A surreply is not requested to rehash legal arguments, but rather to ensure that the record is accurate and that no party is permitted to distort the facts or timeline to their advantage.

Misleading characterizations of evidence are not standard in every motion, and when they occur, they must be corrected.

4. Allegation of Sanctionable Conduct: I take exception to your repeated accusations that my filings are sanctionable. The pursuit of a surreply, in this case, is driven by a genuine need to address the errors and misrepresentations I have identified in your recent filings. Suggesting that I am wasting the Court's time by seeking to ensure the record is accurate mischaracterizes my efforts to engage in proper procedural conduct. I expect that any such accusations will be supported by substantive arguments rather than general complaints of inconvenience.

To summarize, the examples provided here highlight significant issues that likely necessitate a surreply. These include the misstatement of key dates in the transcripts, the mischaracterization of evidence such as Natalie Leonard's email, and the broader misrepresentation of procedural history. I remain open to discussing these matters in a meet and confer, and I believe it is in the interest of all parties to ensure that the Court has a complete and accurate understanding of the facts before making any decisions.

Please let me know if you are available to meet no later than October 11, 2024 as originally requested.

Best regards,

Todd

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## **EXHIBIT B**



Todd Hill &lt;toddryangregoryhill@gmail.com&gt;

**RE: Follow-up Request Regarding Unserved Defendants**

7 messages

**Todd Hill** <toddryangregoryhill@gmail.com>

Mon, Sep 30, 2024 at 4:50 PM

To: "Kirwin, Jeffrey" &lt;jkirwin@hbblaw.com&gt;

Cc: "Davis, Yvette" &lt;yddavis@hbblaw.com&gt;, "Jamshidi, Arezoo" &lt;ajamshidi@hbblaw.com&gt;

Dear Mr. Kirwin, Ms. Davis, and Ms. Jamshidi,

Thank you for providing the executed waivers for Mr. Bouffard and Ms. Sarin. However, I must express concern regarding the continued delays in obtaining service for Mr. Sanchez and Ms. Zuniga.

Given that Haight has represented these defendants for at least nine months, it is reasonable to expect that this issue would have been addressed by now. These delays risk creating unnecessary procedural hurdles, which could ultimately impede the efficient resolution of this case.

It is imperative that steps are taken to resolve the outstanding service issues without further delay, especially considering the extended period during which the defendants have been under representation. While I appreciate your efforts to contact them, it is clear that additional measures are required to bring this matter to resolution.

To prevent further delays, I suggest we stipulate to an alternative service approach, such as service by publication or another court-approved method. This would ensure the case maintains its forward momentum and avoids procedural complications stemming from the lack of cooperation or response from the defendants.

I trust that you will expedite this matter and take the appropriate steps to avoid any further complications. The timely resolution of this issue is important not only for procedural fairness but also for ensuring the case proceeds without unnecessary impediments.

Please provide an update on the next steps by no later than October 9, 2024.

Thank you for your attention to this matter. I look forward to hearing from you soon.

Best regards,

Todd

On Mon, Sep 30, 2024 at 4:20 PM Kirwin, Jeffrey <jkirwin@hbblaw.com> wrote:

Mr. Hill,

Please find attached executed waivers for Mr. Bouffard and Ms. Sarin. We have made attempts to contact Mr. Sanchez and Ms. Zuniga but have not received a response. Additionally, we have contacted other individuals in attempt to get additional contact information for the subject Defendants but have not received any response. Thus, we do not have authority to sign waivers of service for them and do not have their last known addresses to provide.

Thank you,

Jeff

**From:** Todd Hill <toddryangregoryhill@gmail.com>

**Sent:** Monday, September 30, 2024 2:52 PM

**To:** Davis, Yvette <ydavis@hbblaw.com>  
**Cc:** Jamshidi, Arezoo <ajamshidi@hbblaw.com>; Kirwin, Jeffrey <jkirwin@hbblaw.com>  
**Subject:** Re: Todd Hill v. People's College RE: Follow-up Request Regarding Unserved Defendants

Dear Ms. Jamshidi, Ms. Davis, and Mr. Kirwin,

Thank you for your prompt response. I appreciate your clarification regarding the limitations of your ability to accept service on behalf of the individuals without proper authorization.

That said, my intention was not to imply any waiver of their due process rights. Rather, my reference to your duty pertains to Rule 1 of the Federal Rules of Civil Procedure, which emphasizes the "just, speedy, and inexpensive determination of every action." This duty extends to cooperating with the court's directive, as it serves the shared interest in avoiding unnecessary delays. Ensuring the timely accessibility of your clients for service, whether through formal waiver or by providing the necessary contact information, likely aligns with that duty.

Regarding my mention of "continued non-responsiveness," I wish to clarify. My concern is rooted in the time elapsed since my initial request on September 23rd, which followed the Court's order. Up to this point, I had not received substantive communication addressing the request, hence my characterization.

If there has been any misunderstanding on my part, I remain open to further discussion. I trust we share a mutual interest in complying with the Court's directive efficiently.

As always, I remain available to explore any reasonable alternatives that might expedite this process. Thank you for your cooperation.

Sincerely,

Todd

On Mon, Sep 30, 2024 at 2:27 PM Davis, Yvette <ydavis@hbblaw.com> wrote:

Mr. Hill,

The statement, "given your duty to ensure clients are accessible for service" is wrong. If we do not have the individuals' authorization to accept service, we cannot sign any waiver. They are entitled to due process.

There has not been "continued non-responsiveness."

---

**From:** Todd Hill <toddryangregoryhill@gmail.com>  
**Sent:** Monday, September 30, 2024 1:39 PM  
**To:** Davis, Yvette <ydavis@hbblaw.com>



**Cc:** Jamshidi, Arezoo <[ajamshidi@hbblaw.com](mailto:ajamshidi@hbblaw.com)>; Kirwin, Jeffrey <[jkirwin@hbblaw.com](mailto:jkirwin@hbblaw.com)>  
**Subject:** Re: Todd Hill v. People's College RE: Follow-up Request Regarding Unserved Defendants

Dear Ms. Davis, Ms. Jamshidi, and Mr. Kirwin,

As promised, please find attached the waivers for Mr. Sarin, Mr. Bouffard, Mr. Sanchez, and Ms. Zuniga. This step is taken in good faith and with the intent to comply with the Court's directives as efficiently as possible.

I recognize that you previously mentioned the lack of current addresses for Mr. Sanchez and Ms. Zuniga. Given that fact, I trust you will either provide the last known addresses or submit the signed waivers promptly. I expect that these waivers, along with those for Mr. Sarin and Mr. Bouffard will be returned to me by 5:00 PM today, per our prior agreement.

Your team's timely cooperation is essential in avoiding any further unnecessary delays, which, as we both understand, will benefit all parties and the Court alike. We share a common goal of advancing this litigation efficiently, and with the waivers now provided, the next steps should follow smoothly.

Should any further issues arise or if there is any reason these matters cannot be addressed by the agreed-upon time, please let me know immediately so that we can resolve them without involving the Court.

I trust that we can move forward without additional complications and avoid unnecessary motion practice.

Best regards,

Todd

On Sun, Sep 29, 2024 at 4:17 PM Todd Hill <[toddryangregoryhill@gmail.com](mailto:toddryangregoryhill@gmail.com)> wrote:

Dear Ms. Davis, Ms. Jamshidi and Mr. Kirwin,

Thank you for your response. While I understand that arbitration is taking up much of your time, I must respectfully disagree with your characterization of my communications as a "barrage of verbose emails." To clarify, I have sent two emails regarding the unserved defendants in compliance with the Court's directive in ECF 170, which hardly constitutes a barrage.

Furthermore, the email was directed to three members of your team to ensure timely responses given the importance of these matters. As you can appreciate, with multiple attorneys copied, it's reasonable to expect someone to address such a straightforward issue.

The limitations you've highlighted regarding the inability to accept service for Ms. Zuniga and Mr. Sanchez seem to be a problem of your own creation, given your duty to ensure clients are accessible for service. Failing to secure authorization beforehand only causes unnecessary delays. Providing their last known addresses by the deadline is not only reasonable but required under the circumstances.

As for Mr. Bouffard and Mr. Sarin, I will provide the waivers by 3:00 PM on Monday, and I expect their timely execution and return to me by 5:00 PM, as you indicated.

Finally, while I appreciate your concerns about potential motions for sanctions, the intent of my correspondence is to ensure compliance with the Court's order. If this matter is addressed promptly, as it should be, further motion practice will be unnecessary. However, continued non-responsiveness leaves me with no choice but to seek the Court's involvement.

I trust that we can resolve these issues swiftly and in accordance with Rule 1 and Rule 11, ensuring we avoid any further unnecessary delays or court involvement.

Best regards,

Todd

On Sun, Sep 29, 2024 at 3:36 PM Davis, Yvette <[ydavis@hbblaw.com](mailto:ydavis@hbblaw.com)> wrote:

Mr. Hill,

Mr. Kirwin and I have been in arbitration all week, and will be again this coming week. Arbitration is like trial so we do not have the time to immediately respond to your continued barrage of verbose emails. There is no "urgent" need and your continued rhetoric is harassing, misinformed, burdensome and oppressive.

Given your statement below regarding waivers for Mr. Bouffard and Sarin, please provide appropriate and correct waivers. Mr. Kirwin will only have time on Monday before 5pm to execute them and return them to you.

As to Ms. Zuniga and Mr. Sanchez, we do not currently have authorization from them to accept service on their behalf. We also do not have their last known physical addresses.

Your persistent threat to file a motion for sanctions simply because you do not receive a response you want or a response within a reasonable period of time is badgering, completely unnecessary and an inordinate waste of time and resources. You still fail to advise the reasons those individuals should even be included in the litigation which is the most troubling and disturbing.

Please also include the case name in the subject matter of your emails. Your case is not the only case this firm handles.

Yvette Davis | [Profile](#)

Partner

D: 714.426.4607

DF: 714.426.4608

[ydavis@hbblaw.com](mailto:ydavis@hbblaw.com)

Haight

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**From:** Todd Hill <toddryangregoryhill@gmail.com>  
**Sent:** Friday, September 27, 2024 6:36 PM  
**To:** Jamshidi, Arezoo <ajamshidi@hbblaw.com>; Kirwin, Jeffrey <jkirwin@hbblaw.com>; Davis, Yvette <yddavis@hbblaw.com>  
**Subject:** Follow-up Request Regarding Unserved Defendants

**EXTERNAL** - This message came from outside the Firm.

**Dear Ms. Jamshidi, Ms. Davis, and Mr. Kirwin,**

I hope this message finds you well.

This email follows my previous attempts to obtain the necessary information to complete service of process in this case, as ordered by Judge Mircheff (ECF 170). Despite my requests on September 23rd and the Court's clear directive, you have failed to provide the current addresses for the remaining defendants.

In the above-referenced email, I requested your assistance in providing the current addresses for the unserved defendants—David Tyler Bouffard, Prem Sarin, Adriana Zuniga Nunez, and Hector Sanchez—to avoid unnecessary delays in the case. As of today, I have not received any response from your side.

This continued lack of response is obstructing compliance with the Court's directive and unnecessarily prolonging litigation. Furthermore, the continued delay wastes not only party resources but also unnecessarily consumes valuable judicial time.

**During our previous communications, Mr. Kirwin confirmed that waivers for some of these defendants had already been provided, which makes the current situation unjustifiable. Given that this issue was already raised and acknowledged, it is unclear why those waivers have not been re-provided to help expedite the process. Offering those waivers now would align with the spirit of good faith cooperation and alleviate any further delays that are unnecessary for both parties.**

Given the urgent need to move forward, I respectfully request that you provide the requested addresses by **5:00 PM on Monday, September 30, 2024**. If you are authorized to accept service on behalf of these defendants or if an alternative method of service is preferred, please notify me by the same deadline. Failing to receive a response by this date will result in my filing a motion to compel or a motion for sanctions based on your failure to engage in good faith efforts to resolve this matter, pursuant to Rule 1 and Rule 11 of the Federal Rules of Civil Procedure.

As you are aware, attorneys have a duty to avoid unnecessary delay and obstruction in litigation. Pursuant to the Federal Rules of Civil Procedure, including Rule 1, the goal of all litigation is the "just, speedy, and inexpensive determination of every action." Additionally, under Rule 11, attorneys are expected to cooperate in facilitating court-ordered directives. By withholding this information or failing to respond, the risk of further delay increases, which contradicts these legal obligations.

In the interest of avoiding further motion practice and to comply with the Court's order, I request your response no later than **5:00 PM on Monday, September 30, 2024** with the requested information or a reasonable proposal for an alternative arrangement for service.

I trust that you will view this request as part of my ongoing good faith effort to comply with the Court's order and to avoid unnecessary motion practice.

I look forward to your timely cooperation in this matter and trust that we can resolve this issue without further involvement from the Court.

Sincerely,

Todd

**Kirwin, Jeffrey** <jkirwin@hbblaw.com>  
To: Todd Hill <toddryangregoryhill@gmail.com>  
Cc: "Davis, Yvette" <ydavis@hbblaw.com>, "Jamshidi, Arezoo" <ajamshidi@hbblaw.com>

Thu, Oct 3, 2024 at 4:14 PM

Mr. Hill,

Please find the executed waiver for Mr. Sanchez. We still do not have authorization from Ms. Zuniga.

[Quoted text hidden]

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 **Hill - Waiver of Service - Hector Sanchez(15086236.1).pdf**  
342K

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**Todd Hill** <toddryangregoryhill@gmail.com>  
To: "Kirwin, Jeffrey" <jkirwin@hbblaw.com>  
Cc: "Davis, Yvette" <ydavis@hbblaw.com>, "Jamshidi, Arezoo" <ajamshidi@hbblaw.com>

Fri, Oct 4, 2024 at 8:48 AM

Dear Mr. Kirwin, Ms. Davis, and Ms. Jamshidi,

Thank you for providing the executed waiver for Mr. Sanchez. However, I remain concerned about the outstanding service for Ms. Zuniga.

Given the extended period of representation and the importance of ensuring all parties are properly served, we are on notice that this issue is to be resolved promptly. As stated in my previous correspondence, it is important to avoid further procedural delays that may hinder the efficient progress of this case.

If authorization for Ms. Zuniga's waiver of service cannot be obtained nor an address to effect service provided, I would encourage us to stipulate to an alternative service approach, such as service by publication or another method approved by the court. This would allow us to keep the case moving forward without unnecessary procedural complications.

Please provide an update on the next steps regarding Ms. Zuniga's service by no later than October 9, 2024, as previously requested. I trust that your team will take the appropriate measures to prevent further delays in this matter.

Thank you for your attention, and I look forward to your prompt response.

Best regards,

Todd

[Quoted text hidden]

---

**Davis, Yvette** <ydavis@hbblaw.com>  
To: Todd Hill <toddryangregoryhill@gmail.com>, "Kirwin, Jeffrey" <jkirwin@hbblaw.com>  
Cc: "Jamshidi, Arezoo" <ajamshidi@hbblaw.com>

Fri, Oct 4, 2024 at 9:14 AM

Mr. Hill,

If we do not have authorization from the individual, we cannot stipulate to work around that fact.

You can try to serve the individual which is your responsibility.

[Quoted text hidden]

---

**Todd Hill** <toddryangregoryhill@gmail.com>

Fri, Oct 4, 2024 at 10:38 AM

To: "Davis, Yvette" <ydavis@hbblaw.com>  
Cc: "Kirwin, Jeffrey" <jkirwin@hbblaw.com>, "Jamshidi, Arezoo" <ajamshidi@hbblaw.com>

Dear Ms. Davis , Mr. Kirwin, and Ms. Jamshidi,

Thank you for your response.

I understand your position regarding the lack of authorization for waiver from Ms. Zuniga. However, I want to clarify that alternative methods of service, such as service by publication, are not merely "work-arounds." These methods are recognized and permitted within the legal framework precisely to ensure defendants are provided adequate due process when conventional methods are unsuccessful or unfeasible.

Furthermore, the implication that your client has been communicated with and denied authorization for waiver does not address the failure to provide a serviceable address for Ms. Zuniga. Without a valid address, I am unable to fulfill my obligation to serve her, despite my readiness to do so. The failure to provide this information unnecessarily prolongs the case and delays the administration of justice.

If Ms. Zuniga's address is not forthcoming, I encourage you to provide an update on any steps you are willing to take or any other service methods you deem acceptable by October 9, 2024. I remain open to discussing any acceptable solutions that would expedite service. Prompt cooperation on this matter will benefit all parties and ensure the case proceeds without further procedural delay.

I trust that your team will take the appropriate actions to prevent further delays in this matter.

Best regards,

Todd

[Quoted text hidden]

---

**Todd Hill** <toddryangregoryhill@gmail.com>  
To: "Davis, Yvette" <ydavis@hbblaw.com>  
Cc: "Kirwin, Jeffrey" <jkirwin@hbblaw.com>, "Jamshidi, Arezoo" <ajamshidi@hbblaw.com>

Thu, Oct 10, 2024 at 5:51 PM

Dear Ms. Jamshidi, Ms. Davis, and Mr. Kirwin,

I am writing to follow up on my request from last week, in which I sought the current address for Ms. Adriana Zuniga or a stipulation for alternative service.

As noted, I requested this information by October 9, 2024, and it is now after 5 p.m. on October 10 without a response. Given that my update or proof of service to the Court is due on October 23, 2024, this matter is now time-sensitive. To avoid unnecessary delays, I ask that you kindly provide the requested information or suggest a preferred alternative approach by the end of the business day on October 11.

Alternatively, if you continue to decline, I will seek leave from the Court for an order permitting alternative service and reserve the right to highlight this failure to cooperate in my filing.

Please note that this is not my preferred course of action, as I have made repeated good faith efforts to resolve the matter directly with defendant counsel.

However, given the approaching deadline, I will take all appropriate steps to ensure compliance with service requirements.

I trust we can resolve this matter expeditiously.

Best regards,

Todd

[Quoted text hidden]

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**Kirwin, Jeffrey** <jkirwin@hbblaw.com>  
To: Todd Hill <toddryangregoryhill@gmail.com>, "Davis, Yvette" <ydavis@hbblaw.com>

Fri, Oct 11, 2024 at 10:04 AM

Mr. Hill,

We were able to receive authorization from Ms. Zuniga. Therefore, please find the attached waiver of service for Ms. Zuniga.

[Quoted text hidden]



**Hill - Signed waiver of service - Adriana Zuniga(15093210.1).pdf**  
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**EXHIBIT C**



Todd Hill <toddryangregoryhill@gmail.com>

## Agenda for Today's Meeting and Outstanding Service Waivers

7 messages

Todd Hill <toddryangregoryhill@gmail.com>

Tue, Sep 17, 2024 at 10:02 AM

To: "Jamshidi, Arezoo" <ajamshidi@hbblaw.com>, "Kirwin, Jeffrey" <jkirwin@hbblaw.com>, "Davis, Yvette" <ydavis@hbblaw.com>

Dear Ms. Jamshidi, Ms. Davis, and Mr. Kirwin,

I hope this message finds you well.

Ahead of our meeting today, I want to confirm our agenda and review the key materials. We will be discussing the following:

1. **Questions for Review:** I have included below a list of questions intended to address various procedural and communication issues we've encountered. These questions will help guide our discussion and ensure that we cover all relevant topics efficiently.
2. **Event Timeline:** We will also review the detailed event timeline that I provided, which outlines the sequence of interactions and correspondence relevant to our case.

Additionally, I would like to remind you of the outstanding service waivers that were sent yesterday. These waivers are necessary to comply with the court's directive as issued in Docket #150. It is important that these waivers be addressed promptly to ensure we are in full compliance with the court's requirements.

Thank you for your attention to these matters. I look forward to our discussion later today.

Best regards,  
Todd

### Questions re Meet and Confer Compliance:

1. **Could you clarify why the team collectively chose not to timely provide a comprehensive and detailed outline of the issues before our meet and confer sessions, despite repeated requests?**
2. **As a team, do you believe your meet and confer efforts complied with Local Rule 7-3, considering the brief nature of the meetings and insufficient outlines? Can you provide a joint rationale for this?**

### Procedural Missteps:

3. **Why did your team choose to file the Motion to Dismiss prematurely, in violation of Local Rule 7-3, when further substantive meet and confer sessions could have resolved key issues?**
4. **Can you explain why Mr. Kirwin, with the knowledge and support of the rest of the team, contacted me outside of the agreed-upon time window on September 3rd? How does this reflect on your team's commitment to procedural fairness?**

### Deficiencies in Communication:

5. **Given the delays in responses from multiple members of your team, including Ms. Davis and Mr. Kirwin, how do you reconcile these delays with your duty to engage in timely and substantive meet and confer efforts?**
6. **What steps will your team take to ensure timely and substantive communication going forward, considering the impact these delays have had on our ability to resolve disputes efficiently?**

### Affidavit Concerns:

7. **Regarding Mr. Kirwin's affidavit, was there any internal discussion among the team about omitting the awareness of the Local Rule violation when filing the premature Motion to Dismiss? How do you collectively justify this?**



**Efforts to Avoid Litigation:**

8. As a team, are you open to discussing a settlement now, given the procedural delays, lack of communication, and the likelihood of sanctions if this conduct continues?
9. What curative measures, if any, is your team prepared to propose at this point to address the ongoing procedural deficiencies and prevent the need for further court intervention?

**Future Actions:**

10. Based on the detailed timeline and our interactions, what does your team propose as the next steps to resolve these procedural missteps? How do you plan to collectively ensure compliance moving forward?

---

**Jamshidi, Arezoo** <ajamshidi@hbblaw.com>

Tue, Sep 17, 2024 at 10:05 AM

To: Todd Hill <toddryangregoryhill@gmail.com>, "Kirwin, Jeffrey" <jkirwin@hbblaw.com>, "Davis, Yvette" <yddavis@hbblaw.com>

Mr. Hill:

This meet and confer session is to address your alleged motion for sanctions that you want to file against our clients. That is what we are discussing. I reject any topics that do not involve your motion for sanctions.

Best,

Arezoo

Arezoo Jamshidi | [Profile](#)

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**From:** Todd Hill <toddryangregoryhill@gmail.com>

**Sent:** Tuesday, September 17, 2024 10:02 AM

**To:** Jamshidi, Arezoo <ajamshidi@hbblaw.com>; Kirwin, Jeffrey <jkirwin@hbblaw.com>; Davis, Yvette

<ydavis@hbblaw.com>

Subject: Agenda for Today's Meeting and Outstanding Service Waivers

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---

Todd Hill <toddryangregoryhill@gmail.com>

Tue, Sep 17, 2024 at 10:15 AM

To: "Jamshidi, Arezoo" <ajamshidi@hbblaw.com>

Cc: "Kirwin, Jeffrey" <jkirwin@hbblaw.com>, "Davis, Yvette" <ydavis@hbblaw.com>

Dear Ms. Jamshidi, Ms. Davis and Mr. Kirwin,

Thank you for your response.

I want to clarify that each of the questions listed is directly related to the potential motion for sanctions and aims to address the procedural and communication issues that are central to this matter. There is no deviation from the core topic, and these questions are intended to ensure a thorough examination of the issues that have led to the consideration of sanctions.

Additionally, I would like to confirm whether your concerns pertain to the withholding of the service waivers previously sent. As per Docket #150, these waivers are required to comply with the court's directive, and their provision is a crucial aspect of our discussion.

Please let me know if there are specific concerns regarding the service waivers or if further clarification is needed.

Best regards,

Todd

[Quoted text hidden]

---

Jamshidi, Arezoo <ajamshidi@hbblaw.com>

Tue, Sep 17, 2024 at 4:00 PM

To: Todd Hill <toddryangregoryhill@gmail.com>, "Kirwin, Jeffrey" <jkirwin@hbblaw.com>, "Davis, Yvette"

<ydavis@hbblaw.com>

Mr. Hill:

As I stated in our meet and confer, I do not agree with your characterization that we have failed to meet in confer in good faith, that we have failed to communicate timely, and that we have had any alleged procedural "missteps."

I have never in my career had to answer questions in a deposition like fashion in a meet and confer process. Especially questions that either myself or my colleagues have answered on a number of occasions.

### Meet and Confer / And Your Procedural Missteps Allegations

-

To be clear, we have complied with all meet and confer requirements as it relates to the motions that defendants have brought. We are not required to provide a detailed outline (or even an outline at all under the rules). Yet, despite providing one, you refused to engage in telephonic conversation on September 3, with my colleague Mr. Kiwin. Regardless, we engaged in several voluminous and substantive meet and confer correspondence that more than met the meet and confer requirements. You cannot fail to pick up the phone or call Mr. Kirwin back on

September 3, and then blame us for not engaging in a telephonic meet and confer seven days before filing our motion to dismiss. As such, our motion was not premature and timely filed. There is no such thing as a seven day waiting period – and Rule 7-3 does not require it.

Please see attached emails answering these questions in previous emails.

### **Miscommunications**

We do not agree that there have been any untimely communication or lack of substance. You raised the issue of the waivers. You just sent waivers yesterday at 4:50 p.m. and are requiring us to get them signed in less than 24 hours – this is the untimely communication.

### **Affidavit**

Mr. Kirwin outlined the email exchange that occurred regarding the meet and confer process for the motion to dismiss the TAC. That is accurate and contains the email chain as an exhibit.

### **Efforts to Avoid Litigation**

As we mentioned many times before, we do not have to agree that you file another amended complaint (aka Fourth Amended Complaint). If you want to resolve this, please dismiss your complaint. Otherwise, we will allow the court to rule on our motion to dismiss.

### **Future Actions**

This question assumes facts and mischaracterizes the facts. We have communicated timely, substantively, reasonably and in compliance with the rules. We do not agree with your characterization of this question.

### **Defendants Motion for Sanctions / Protective Order**

You sent three very voluminous emails last week that all said the same thing, addressed the same issues that you have raised over and over again, and provided no new information whatsoever. This is in addition to your countless emails during the meet and confer process and your email from this morning, yet again, outlining the same issues related to the meet and confer process and communications. These constant and repetitive emails require me to respond to the same issues over and over again in trying to defend your wrongful accusations and mischaracterizations of the facts. Having to do so over and over again is unfair to my clients and a waste of party resources. As I stated in our call, your conduct is crossing the line into harassment.

I will remind you again, that a frivolous motion for sanctions is also sanctionable. If you move forward with yours, we will move forward with requesting sanctions for your meritless motion.

Additionally, if you continue to engage in this conduct we will be forced to bring a motion for protective order and/or sanctions to limit your repetitive and harassing communications with our firm.

Best,

Arezoo

Arezoo Jamshidi | [Profile](#)

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[ajamshidi@hbblaw.com](mailto:ajamshidi@hbblaw.com)

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**From:** Todd Hill <[toddryangregoryhill@gmail.com](mailto:toddryangregoryhill@gmail.com)>

**Sent:** Tuesday, September 17, 2024 10:02 AM

**To:** Jamshidi, Arezoo <[ajamshidi@hbblaw.com](mailto:ajamshidi@hbblaw.com)>; Kirwin, Jeffrey <[jkirwin@hbblaw.com](mailto:jkirwin@hbblaw.com)>; Davis, Yvette <[yddavis@hbblaw.com](mailto:yddavis@hbblaw.com)>

**Subject:** Agenda for Today's Meeting and Outstanding Service Waivers

**EXTERNAL** - This message came from outside the Firm.

Dear Ms. Jamshidi, Ms. Davis, and Mr. Kirwin,

[Quoted text hidden]

----- Forwarded message -----

From: "Jamshidi, Arezoo" <ajamshidi@hbblaw.com>  
To: Todd Hill <toddryangregoryhill@gmail.com>  
Cc:  
Bcc:  
Date: Tue, 17 Sep 2024 22:10:57 +0000  
Subject: FW: Hill v. Peoples College of Law; meet and confer

Please see below regarding discussion of not needing a detailed outline.

Arezoo Jamshidi | [Profile](#)  
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213.542.8176  
[ajamshidi@hbblaw.com](mailto:ajamshidi@hbblaw.com)



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---

**From:** Davis, Yvette <[ydavis@hbblaw.com](mailto:ydavis@hbblaw.com)>  
**Sent:** Tuesday, September 3, 2024 4:00 PM  
**To:** Todd Hill <[toddryangregoryhill@gmail.com](mailto:toddryangregoryhill@gmail.com)>; Kirwin, Jeffrey <[jkirwin@hbblaw.com](mailto:jkirwin@hbblaw.com)>  
**Cc:** Jamshidi, Arezoo <[ajamshidi@hbblaw.com](mailto:ajamshidi@hbblaw.com)>  
**Subject:** RE: Hill v. Peoples College of Law; meet and confer

Mr. Hill,

1. Despite your repeated assurances that you were available to meet and confer today, your insistence upon pushing out the meet and confer appears to be a veiled attempt to subsequently argue that the parties did not timely meet and confer which is not well taken and flies in the face of "letter and spirit of the local rules."
2. Your extensive email below constitutes a meet and confer which means you have understood the more "detailed" outline Mr. Kirwin provided. Short of drafting the actual motion, what Mr. Kirwin provided puts you on notice of what deficiencies still exist with your amended pleading. Please confirm that you will either speak further today or that the parties can dispense with a telephonic conference based upon your responses below.
3. Four more points are the following:
  - a. We never received service of the amended complaint from you via email or other means. Rather we only received CM/ECF notice from the court.

- b. You have named individual defendants in the caption, but have failed to assert factual allegations against them in the body of the amended complaint. Indeed, you do not identify Jessica Miramontes once in the pleading.
- c. You have also failed to identify which individual defendants are board members and/or whether allegations exist as to the individual defendants separate and apart from the board.
- d. You have also added new claims/causes of action that were not previously asserted in the prior complaints. You were granted leave to amend to correct deficiencies, not to expand your claims.

---

**From:** Todd Hill <toddryangregoryhill@gmail.com>  
**Sent:** Tuesday, September 3, 2024 3:13 PM  
**To:** Kirwin, Jeffrey <jkirwin@hbblaw.com>  
**Cc:** Davis, Yvette <ydavis@hbblaw.com>  
**Subject:** Re: Hill v. Peoples College of Law; meet and confer

Dear Ms. Davis and Mr. Kirwin,

Thank you for providing an outline of the issues you intend to discuss. The additional detail is appreciated.

However, as we have previously addressed in our email exchanges, including those from February 2024, adherence to both the letter and the spirit of the local rules is paramount. During our discussions earlier this year, we successfully engaged in meet and confer efforts where outlines were provided without the need for repeated requests, demonstrating a clear commitment to good faith communication.

In this instance, I must point out that the outline provided contains misstatements of fact (e.g., statements re cause incorporation by reference) and is not sufficiently substantive to allow for a meaningful discussion. A reasonable attorney operating in good faith would likely agree that the brief and non-exhaustive list you provided does not meet the requirements for a productive meet and confer, especially given the complexity of the issues at hand. As you are aware, I have consistently requested and provided points and authorities in response to the concerns raised, underscoring my commitment to a thorough and fair process.

Given this, I suggest that we reschedule the meet and confer for Thursday, allowing you adequate time to develop a more appropriate and comprehensive outline of the issues. This will ensure that our discussion is in line with the expectations set forth by the local rules and that both parties are adequately prepared to address the Court's concerns.

As to your points as currently outlined:

1. I must respectfully disagree with your assertion that the TAC violates FRCP Rule 8 by incorporating all initial allegations into each cause of action. There is one cause of action that I am happy to discuss for curative language or non-prejudicial defendant dismissal pending discovery as a cure.
2. The TAC employs a common and accepted pleading practice of incorporating prior allegations by reference to streamline the complaint and avoid unnecessary repetition. This approach enhances clarity and conciseness, rather than hindering it. The specific causes of action clearly identify the relevant defendants and incorporate only those allegations that pertain to the particular legal theory being asserted.
3. For example, the Second Cause of Action explicitly lists the defendants it is asserted against and then incorporates specific allegations relevant to that cause of action, such as the denial of equal access to educational opportunities (TAC ¶¶ 133, 136). Similarly, the Third Cause of Action identifies the relevant defendants and incorporates allegations related to racially discriminatory practices (TAC ¶¶ 141, 144). The same pattern is followed in the remaining causes of action, ensuring that each claim is supported by specific and relevant factual allegations.
4. The TAC's structure allows for a clear and organized presentation of the complex issues involved in this case. It enables the defendants to understand the specific claims against them and the factual basis for those claims.
5. As detailed in the TAC, the allegations against Gonzalez, Spiro, and Pena are extensive and cover a range of causes of action, including but not limited to:



- a. Second Cause of Action (Violation of the Unruh Civil Rights Act): The TAC alleges that these individuals engaged in discriminatory practices as agents of PCL, denying me equal access to educational opportunities based on race, gender, sexual orientation, or disability (TAC ¶¶ 136-138).
- b. Third Cause of Action (Title VI of the Civil Rights Act of 1964 - Racial Discrimination in Education): It is alleged that Gonzalez, Pena, and Spiro were directly involved in racially discriminatory practices, such as manipulating academic records and delaying the awarding of degrees (TAC ¶ 144).
- c. Fourth Cause of Action (RICO - Racketeer Influenced and Corrupt Organizations Act): The TAC outlines their involvement in a pattern of racketeering activity, including wire and mail fraud, and manipulation of academic records (TAC ¶¶ 152, 158-162).
- d. Fifth Cause of Action (Conspiracy): The complaint details a conspiracy among these individuals to deprive me of my civil rights, specifically through the manipulation of transcripts and denial of fair educational opportunities (TAC ¶¶ 167, 171).
- e. Sixth Cause of Action (Negligence and Negligence Per Se): There are allegations of a breach of duty of care by these individuals in failing to provide accurate and timely academic records (TAC ¶ 176).
- f. Seventh Cause of Action (Negligent Hiring, Retention, and Supervision): The complaint alleges that PCL failed in its duty to properly supervise and train these individuals, leading to the discrimination against me (TAC ¶ 183).
- g. Eighth Cause of Action (Violation of Title IX): It is alleged that Gonzalez, with the endorsement of Spiro and Pena, engaged in sex-based retaliation against me, including the dissemination of defamatory materials (TAC ¶¶ 187, 190).

Given the specificity and breadth of these allegations, a general outline that does not engage with the particulars of these claims is insufficient for a productive meet and confer. A reasonable attorney operating in good faith would agree that a more detailed and issue-specific outline is necessary to facilitate a meaningful discussion.

To ensure that we can engage in a thorough and constructive meet and confer, I request that you provide a revised outline that addresses the specific allegations and causes of action identified in the TAC. This will allow us to have a substantive discussion that adheres to the spirit of the local rules and meets the expectations of both the Court and the parties involved.

I believe the TAC complies with FRCP Rule 8's requirement for a short and plain statement of the claims. I am prepared to discuss any remaining concerns regarding clarity or specificity during our meet and confer.

I look forward to your substantive response.

Thank you,

Todd

On Tue, Sep 3, 2024 at 2:30 PM Kirwin, Jeffrey <[jkirwin@hbblaw.com](mailto:jkirwin@hbblaw.com)> wrote:

Mr. Hill,

Our office has had several meet and confer efforts with you in the past in which you have not requested an outline prior to the discussion. Notwithstanding the foregoing, the following points constitute a brief and non-exhaustive list of issues I intend to address with you:

1. The Third Amended Compliant ("TAC") violates FRCP Rule 8 which requires a short and plain statement of the claim showing that the pleader is entitled to relief. Your TAC, without exhibits, is 55 pages long with 93 paragraphs of initial allegations involving numerous Defendants. In total, the TAC contains nearly 300 paragraphs and numerous additional subparagraphs. The Tac then incorporates by reference every initial allegation into each cause of action making it difficult to determine the allegations which actually form the basis of any cause of action.
2. In addition to the above, the TAC generally uses the term "Defendants" throughout the TAC but does not define which Defendants it is referring to. In many instances, the cause of action will list specific Defendants but then incorporates allegations against additional defendants making it difficult to determine who the cause of action is being plead against.
3. Further, some initially named Defendants do not appear to be named in the causes of action. Likewise, the Board of Directors is named in the Eighth cause of action, but they are not named as a Defendant in the initial list.
4. The above, and similar errors, prevent any Defendant from understanding what you allege they did wrong.

Please note, the Court noted the same issue with your Second Amended Complaint in its recommendation that the Second Amended Complaint be dismissed.

I expect the above is more than enough information you need prior to the meet and confer. Please return my call as soon as possible.

Thank you,

Jeff

---

**From:** Todd Hill <toddryangregoryhill@gmail.com>  
**Sent:** Tuesday, September 3, 2024 1:42 PM  
**To:** Kirwin, Jeffrey <jkirwin@hbblaw.com>  
**Cc:** Davis, Yvette <ydavis@hbblaw.com>  
**Subject:** Re: Hill v. Peoples College of Law; meet and confer

Dear Ms. Davis and Mr. Kirwin,

Thank you for your voicemail and follow-up email. However, I find it concerning that, despite my repeated requests for a substantive outline or summary of the issues you intend to discuss, I have yet to receive adequate information.

Calling without first coordinating and providing only minimal details appears to be a tactic to force a discussion without allowing me the opportunity to properly prepare.

This approach seems inconsistent with the good faith requirements of Local Rule 7-3. The purpose of a meet and confer is to genuinely attempt to resolve disputes by narrowing the issues before involving the court. Without sufficient information on the specific points you plan to address, it is difficult to engage in a meaningful and productive conversation.



This conduct—delaying substantive responses while pressing for an immediate discussion—creates the impression that you may be attempting to rush the process rather than engaging in a genuine effort to resolve the issues at hand.

If your goal is to truly meet the requirements of L.R. 7-3, I request that you provide a clear and detailed outline of the issues so that we can have a focused and constructive discussion. I remain available to speak today, but only if the necessary information is provided to ensure that our conversation will be productive.

I trust you will take this opportunity to address the matter in good faith.

Sincerely,

Todd

On Tue, Sep 3, 2024 at 1:36 PM Kirwin, Jeffrey <[jkirwin@hbblaw.com](mailto:jkirwin@hbblaw.com)> wrote:

Mr. Hill,

I recently called and left a voicemail. Please call me back at (714) 426-4620 today so that we may meet and confer.

Thank you,

Jeff

**From:** Todd Hill <[toddryangregoryhill@gmail.com](mailto:toddryangregoryhill@gmail.com)>  
**Sent:** Tuesday, September 3, 2024 12:21 PM  
**To:** Davis, Yvette <[ydavis@hbblaw.com](mailto:ydavis@hbblaw.com)>  
**Cc:** Kirwin, Jeffrey <[jkirwin@hbblaw.com](mailto:jkirwin@hbblaw.com)>  
**Subject:** Re: Hill v. Peoples College of Law; meet and confer

Dear Ms. Davis and Mr. Kirwin,

Thank you for your response.

However, I must respectfully disagree with your interpretation of what constitutes a good faith effort under Local Rule 7-3.

A meaningful meet and confer should involve a substantive exchange of information that allows all parties to adequately prepare for the discussion. While I understand that L.R. 7-3 does not explicitly mandate a detailed statement, the minimal information provided so far makes it challenging to have a productive conversation.

No other attorney involved in this matter has provided such limited reference material.

Additionally, I must point out that your and Mr. Kirwin's busy schedules are not relevant to this issue. The meet and confer process is intended to facilitate a genuine resolution of the issues, not to be constrained by scheduling conflicts.

Using your calendars as a justification for the lack of detailed information is likely inappropriate and does not align with the intent of L.R. 7-3. A good faith effort requires a genuine attempt to resolve issues, which includes providing sufficient detail to ensure that our discussion is substantive rather than procedural.

Without a clearer outline of the issues to be addressed, it will be difficult to effectively narrow the scope of our conversation or explore potential resolutions.

To be clear, I am not refusing to meet and confer. I am, however, requesting that our discussion be properly structured to ensure it is productive and in line with the requirements of L.R. 7-3.

I remain available to meet today, but if more time is needed to prepare a comprehensive outline, I am open to rescheduling to ensure we can engage in a meaningful discussion.

Thank you for your understanding. I look forward to your response.

Best regards,

Todd

On Tue, Sep 3, 2024 at 11:17 AM Davis, Yvette <[yddavis@hbblaw.com](mailto:yddavis@hbblaw.com)> wrote:

Dear Mr. Hill,

Per Local Rule 7-3, during the meet and confer, we are only required to disclose the substance of the contemplated motion and any potential resolution which we have done.

We are not required to provide a detailed statement as that would defeat the purpose of the meet and confer in the event issues can be narrowed before filing a motion. If you have legal authority to the contrary, please advise.

This is not new to you as this is your third amended complaint.

**Are you now refusing to meet and confer after you have advised you are available?** As I previously indicated, both Jeff and I are extremely busy with mediations and depositions. Therefore today is best.

**From:** Todd Hill <toddryangregoryhill@gmail.com>  
**Sent:** Tuesday, September 3, 2024 10:59 AM  
**To:** Davis, Yvette <ydavis@hbblaw.com>  
**Cc:** Kirwin, Jeffrey <jkirwin@hbblaw.com>  
**Subject:** Re: Hill v. Peoples College of Law; meet and confer

Dear Ms. Davis,

Thank you for your response. However, I must respectfully express my concern that the "outline" provided by Jeff is not sufficiently substantive to allow for adequate preparation. As I mentioned earlier, meaningful participation in a meet and confer under L.R. 7-3 requires more detailed information to ensure a productive discussion.

A reasonable attorney operating in good faith would likely recognize that the brief summary provided does not adequately address the "issues" at hand, nor does it allow for a substantive exchange of views. Without a more detailed outline, it will be difficult to meet the standard expected for a good faith attempt at resolution or for me, to avoid the question or otherwise comply, to suggest alternative language or cure, including considerations of potential withdrawal.

To avoid any misunderstandings and to facilitate a constructive dialogue, I kindly request that you provide a more comprehensive outline or summary of the specific issues you intend to discuss. This will allow us to fully engage in the conversation and work towards resolving any outstanding concerns effectively.

Perhaps it would be best if we reschedule our meeting for Thursday, allowing time to develop an appropriate and thorough approach to addressing these issues. This will ensure that we can engage in a more meaningful and productive conversation.

Thank you for your attention to this matter.

I look forward to receiving the necessary information so that we can proceed accordingly.

Best regards,

Todd

On Tue, Sep 3, 2024 at 10:38 AM Davis, Yvette <ydavis@hbblaw.com> wrote:

Jeff provided you with the outline below in yellow.

**From:** Todd Hill <toddryangregoryhill@gmail.com>  
**Sent:** Tuesday, September 3, 2024 10:35 AM  
**To:** Davis, Yvette <ydavis@hbblaw.com>  
**Cc:** Kirwin, Jeffrey <jkirwin@hbblaw.com>  
**Subject:** Re: Hill v. Peoples College of Law; meet and confer

Dear Mr. Kirwin and Ms. Davis,

I confirm that I am available to speak today before 1 PM. However, I must again emphasize my earlier requests for a detailed outline or summary of the specific issues you intend to address regarding the Third Amended Complaint.

I understand that everyone has a busy schedule, but the pattern of providing key information through brief emails mere minutes before our unscheduled discussions, after days of requests, creates an appearance that is difficult to reconcile with the spirit of good faith required by L.R. 7-3. A good faith meet and confer effort necessitates sufficient time for all parties to review and prepare, ensuring that our conversation is both meaningful and productive.

Without a comprehensive summary, it will be challenging to engage in a substantive discussion and to ensure that our exchange meets the standard expected by the court.

I appreciate your prompt attention to this matter and look forward to receiving the requested information so that we can proceed with a constructive and effective dialogue.

Best regards,

Todd

On Tue, Sep 3, 2024 at 10:05 AM Davis, Yvette <ydavis@hbblaw.com> wrote:

Mr. Hill,

Please confirm that you are available to speak today prior to 1pm given below.

**From:** Kirwin, Jeffrey <jkirwin@hbblaw.com>

**Sent:** Tuesday, September 3, 2024 10:04 AM

**To:** Todd Hill <toddryangregoryhill@gmail.com>; Davis, Yvette <ydavis@hbblaw.com>

**Subject:** RE: Hill v. Peoples College of Law; meet and confer

Mr. Hill,

The meet and confer will occur to discuss your Third Amended Complaint. Specifically, we will discuss the new/additional causes of action, the unclarity as to which causes of action are being plead against our clients, and our contention the complaint still does not comply with FRCP rule 8.

I will call shortly to discuss.

Thanks,

Jeff

**From:** Todd Hill <toddryangregoryhill@gmail.com>

**Sent:** Monday, September 2, 2024 4:50 PM

**To:** Davis, Yvette <ydavis@hbblaw.com>

**Cc:** Kirwin, Jeffrey <jkirwin@hbblaw.com>

**Subject:** Re: Hill v. Peoples College of Law; meet and confer

Dear Ms. Davis and Mr. Kirwin,

Thank you for your reply.

I can confirm that I am still available tomorrow; however, I want to reiterate the importance of understanding the scope of our discussion.

As you're aware, L.R. 7-3 requires a good faith effort in conferring, and part of that includes providing sufficient information to allow all parties to prepare adequately.

To ensure that our meeting is productive and that I can engage meaningfully, I kindly reiterate my previous request for an outline or summary of the specific issues or concerns you plan to address.

Without this information, it will be challenging to prepare substantively, or demonstrate good faith attempt at resolution, which could hinder our ability to resolve the matters at hand efficiently.

Please confirm if a summary can be provided prior to our call tomorrow. I appreciate your cooperation and look forward to our discussion.

Best regards,

Todd

On Mon, Sep 2, 2024 at 4:38 PM Davis, Yvette <[ydavis@hbblaw.com](mailto:ydavis@hbblaw.com)> wrote:

Mr. Hill,

We have been extremely busy and Jeff was out of office on Friday.

Are you still available tomorrow? I wont know who is available until 10:00 am as I already have another call scheduled at 9am.

Yvette Davis | [Profile](#)

Partner

D: 714.426.4607

DF: 714.426.4608

[ydavis@hbblaw.com](mailto:ydavis@hbblaw.com)

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**From:** Todd Hill <[toddryangregoryhill@gmail.com](mailto:toddryangregoryhill@gmail.com)>  
**Sent:** Friday, August 30, 2024 7:33 PM  
**To:** Kirwin, Jeffrey <[jkirwin@hbblaw.com](mailto:jkirwin@hbblaw.com)>  
**Cc:** Davis, Yvette <[ydavis@hbblaw.com](mailto:ydavis@hbblaw.com)>  
**Subject:** Re: Hill v. Peoples College of Law

Dear Ms. Davis and Mr. Kirwin,

Given the timing of your meeting request I am surprised by the lack of timely response.

Please advise.

Todd

On Thu, Aug 29, 2024 at 10:27 AM Todd Hill <[toddryangregoryhill@gmail.com](mailto:toddryangregoryhill@gmail.com)> wrote:

Dear Ms. Davis and Mr. Kirwin,

Thank you for reaching out to set up a time to meet and confer regarding my Third Amended Complaint.

I am available to discuss on Tuesday, September 3, 2024 or Thursday, September 5 between 10 am and 1 pm PDT. Please let me know which of these times works best for you.

To ensure our meeting is as productive as possible, I would appreciate it if you could share an outline or summary of the specific issues or concerns you plan to address. This will allow us both to prepare and focus our discussion on the substantive matters at hand.

I look forward to our conversation and hope we can work together to address any outstanding issues efficiently and effectively.

Best regards,

Todd

On Thu, Aug 29, 2024 at 9:30 AM Kirwin, Jeffrey <[jkirwin@hbblaw.com](mailto:jkirwin@hbblaw.com)> wrote:

Mr. Hill,

I am emailing to set up a time to meet and confer regarding your Third Amended Complaint. Please let me know when you are available to discuss.

Thank you,

Jeff

Jeffrey Kirwin | [Profile](#)

Attorney

D: (714) 426-4620

[jkirwin@hbblaw.com](mailto:jkirwin@hbblaw.com)

Haight

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----- Forwarded message -----

From: "Jamshidi, Arezoo" <ajamshidi@hbblaw.com>

To: Todd Hill <toddryanggregoryhill@gmail.com>

Cc:

Bcc:

Date: Tue, 17 Sep 2024 22:23:01 +0000

Subject: FW: Request for Meet and Confer - Contemplated Rule 11 Sanctions Motion Against Defendants

Please see response one discussing the timely filing of our motion to dismiss.

---

**From:** Jamshidi, Arezoo <ajamshidi@hbblaw.com>

**Sent:** Monday, September 9, 2024 5:50 PM

**To:** Todd Hill <toddryanggregoryhill@gmail.com>; Kirwin, Jeffrey <jkirwin@hbblaw.com>; Davis, Yvette <yddavis@hbblaw.com>

**Subject:** RE: Request for Meet and Confer - Contemplated Rule 11 Sanctions Motion Against Defendants

Mr. Hill:

I would strongly suggest you reconsider your contemplated motion as your groundless motion for sanctions is itself sanctionable under Rule 11. *Bond v. American Med. Ass'n*, 764 F.Supp. 122, 126, fn. 3 (ND IL 1991) (a groundless motion for sanctions is itself sanctionable under Rule 11); see also *Alliance to End Repression v. Chicago*, 899 F.2d 582, 583 (7th Cir. 1990) (“hair-trigger” sanctions motions are sanctionable).

Please note that your tactics and constant emails are not only unnecessary, but have crossed into harassment. Defendants will seek sanctions if you continue down this road. As outlined below, none of your arguments have merit and are frivolous and are an attempt to force Defendants to agree to allow you to amend your complaint. Defendants are not required to do this and no meet and confer rules would require such stipulations.

1. **Untimeliness** → Defendants’ motion to dismiss the Third Amended Complaint was not untimely. Pursuant to FRCP 15(a)(3), Defendants’ response to your TAC was due “within 14 days after service of the amended pleading.” Defendants were served with the TAC on August 26, 2024. Therefore, Defendants motion was timely filed today. You misinterpret FRCP 15(a)(1)(B), which allows you only ONE amendment as a matter of course. You are now on your Third Amended Complaint and have forgone the ability to amend your pleading once as a matter of course (that would have been your first amended complaint).
2. **Violation of Rule 7-3** → you mistake Defendants’ unwillingness to stipulate to allow you to file a Fourth Amended Complaint as violation of the meet and confer process. Moreover, there is not such thing as a 7-day “waiting period.” As you are well-aware and as documented in numerous emails, we met and conferred via email numerous times. Despite having scheduled a call, you refused to take my colleague’s call on September 3<sup>rd</sup> when he attempted to discuss the issues with you telephonically. *Your* refusal to do so cannot now translate into *our* violation of the meet and confer rule.
3. **Lack of Good Faith** → I just submitted 25 plus pages of email correspondence between you and our firm regarding meet and confer efforts. I reiterate that your claim that we did not meet and confer is completely misrepresented. You have a misunderstanding of the meet and confer requirements – they do NOT require Defendants to stipulate to you amending your complaint.



4. **Frivolous Arguments** → the arguments made in the motion to dismiss are not frivolous simply because you filed request for leave to file a so called “Amended Third Amended Complaint” (aka a Fourth Amended Complaint). The Court has not accepted granted you leave for filing yet another amended pleading and Defendants were therefore required to file this Motion to Dismiss the TAC today.

It is your conduct that demonstrates a deliberate attempt to waste judicial and party resources and mislead the court. Such harassing conduct is sanction. Fed. R. Civ. P 11 (sanctions under Rule 11 may be appropriate if (a) the paper is based on “bad law,” (b) the paper is based on “bad facts” or (c) the paper is presented for an improper purpose such as harassment.). “[T]here comes a point when successive motions and papers become so harassing and vexatious that they justify sanctions even if they are not totally frivolous ... [T]he cumulative effect of the Defendants' litigation tactics could indicate the motion was filed for an improper purpose.” *Aetna Life Ins. Co. v. Alla Med. Services, Inc.*, 855 F.2d 1470, 1476-1477 (9th Cir. 1988) (filing successive motions on behalf of separate groups of jointly-represented defendants may be delaying tactic); *G.C. & K.B. Investments, Inc. v. Wilson*, 326 F.3d 1096, 1110 (9th Cir. 2003) (“successive complaints based upon propositions of law previously rejected may constitute harassment under Rule 11”); *Vallejo v. Amgen, Inc.*, 903 F.3d 733, 748-749 (8th Cir. 2018) (district court did not abuse its discretion in imposing Rule 11 sanctions on attorney who filed successive motions to relitigate issues previously denied by court).

I am available on Tuesday, September 17, 2024 at 1p, but I remain hopeful that this encourages you to reconsider your frivolous sanctions motion.

Best,

Arezoo

Arezoo Jamshidi | [Profile](#)

The State Bar of California Board of Legal Specialization

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[ajamshidi@hbblaw.com](mailto:ajamshidi@hbblaw.com)

Haight

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**From:** Todd Hill <toddryangregoryhill@gmail.com>  
**Sent:** Monday, September 9, 2024 5:01 PM  
**To:** Jamshidi, Arezoo <ajamshidi@hbblaw.com>; Kirwin, Jeffrey <jkirwin@hbblaw.com>; Davis, Yvette <yedavis@hbblaw.com>  
**Subject:** Request for Meet and Confer - Contemplated Rule 11 Sanctions Motion Against Defendants

**EXTERNAL** - This message came from outside the Firm.

Dear Ms. Davis, Ms. Jamshidi, and Mr. Kirwin,

Pursuant to Local Rule 7-3 of the Central District of California, I am writing to request a meet and confer conference to discuss a contemplated motion for sanctions against your clients. The contemplated motion will seek sanctions under Federal Rule of Civil Procedure 11 for the filing of the Motion to Dismiss Plaintiff's Third Amended Complaint with Prejudice.

As you are aware, Local Rule 7-3 requires that the parties meet and confer in good faith to resolve any dispute that may result in the filing of a motion. The contemplated motion for sanctions arises from the following concerns:

1. **Untimeliness:** The Motion to Dismiss was filed on September 9, 2024, which is beyond the 21-day deadline for responding to an amended pleading as stipulated in Federal Rule of Civil Procedure 15(a)(1)(B). The Defendants' argument that they did not receive service until August 26th is unavailing, as electronic filing constitutes service under the Local Rules, and the Third Amended Complaint was electronically filed on August 21st.
2. **Violation of Local Rule 7-3:** The Motion to Dismiss was filed prematurely, as it was submitted before the expiration of the 7-day waiting period required by Local Rule 7-3 following the meet and confer process. The meet and confer efforts concluded on September 5th, making the filing on September 9th a clear violation of the rule. Furthermore, your attempts to schedule a meet and confer on the prior Thursday, failure to confirm despite a reminder, and subsequent contact on Monday, September 3rd, suggest a lack of genuine effort to comply with the rule's timeliness requirement.
3. **Lack of Good Faith:** The Defendants' conduct throughout the meet and confer process raises concerns about their commitment to good faith resolution. Defendants' actions during the meet and confer process—including delays, failure to provide substantive outlines, and lack of preparation—demonstrate a lack of good faith and failure to comply with the procedural requirements of Local Rule 7-3.
4. **Frivolous Arguments:** Defendants' Motion to Dismiss includes arguments that are frivolous and made in bad faith. Specifically, Defendants had been provided with a copy of the amended filing on September 6, 2024. The amended filing did not contain the issues raised in their motion, which was filed on September 9, 2024. Despite having access to this corrected filing, Defendants proceeded with mischaracterizations and false claims in their motion, in violation of FRCP 11(b). Such conduct reflects a deliberate attempt to waste judicial resources and mislead the Court.

Please confirm a date for the meet and confer by no later than Thursday, September 12, 2024. I am available on the following dates:

- **Monday, September 16th, between 1:00 PM and 2:00 PM**
- **Tuesday, September 17th, between 1:00 PM and 2:00 PM**

I look forward to your timely response.

Sincerely,

----- Forwarded message -----

From: Todd Hill <toddryangregoryhill@gmail.com>

To: "Jamshidi, Arezoo" <ajamshidi@hbblaw.com>, "Kirwin, Jeffrey" <jkirwin@hbblaw.com>, "Davis, Yvette" <yddavis@hbblaw.com>

Cc:

Bcc:

Date: Fri, 13 Sep 2024 02:08:32 +0000

Subject: Re: Request for Meet and Confer - Contemplated Rule 11 Sanctions Motion Against Defendants

Dear Ms. Davis, Ms. Jamshidi, and Mr. Kirwin,

I hope this letter finds you well.

I am writing to address several procedural issues and inconsistencies that have arisen in our communications regarding the Third Amended Complaint (TAC). In light of our recent exchanges, I have compiled a detailed timeline to illustrate the sequence of events and interactions between us. This timeline is intended to demonstrate my ongoing efforts to engage constructively in the meet and confer process, as well as to highlight certain inaccuracies and procedural concerns.

#### Summary of Key Issues:

- **Requests for Detailed Outlines:** Despite multiple requests for a comprehensive summary of issues to facilitate a productive meeting, the outlines provided were often inadequate or vague. This hindered my ability to prepare effectively and engage in meaningful discussions.
- **Conflicting Statements and Delays:** There have been inconsistencies in the statements made regarding the adequacy of the meet and confer process, along with delays in providing necessary information. This has created confusion and challenges in addressing the claims and issues effectively.
- **Engagement in the Meet and Confer Process:** My records demonstrate repeated efforts to comply with the meet and confer requirements, including multiple proposals for meeting times and detailed requests for outlines. The responses received have often been insufficient, impacting our ability to resolve disputes efficiently.
- **Untimely and Unscheduled Call:** Mr. Kirwin initiated a call on September 3rd outside the agreed-upon call window and without prior coordination, hindering meaningful discussion and demonstrating a lack of consideration for my time. His affidavit appears to misrepresent
- **Omission of Key Information in Affidavit:** Mr. Kirwin's affidavit fails to mention his awareness of the impending Local Rule 7-3 violation due to the premature filing of the Motion to Dismiss. This raises concerns about transparency and adherence to procedural rules.
- **Limited Nature of the September 5th Meeting:** The brief 11-minute call on September 5th did not allow for substantive discussion of the issues or potential curative measures, hindering the purpose of the meet and confer process.

I have attached a detailed timeline outlining the relevant correspondence and interactions. I believe this document will help clarify the sequence of events and provide a basis for addressing the procedural concerns.

#### Action Requested:

I respectfully request that we review the timeline below and address the following:

1. Clarify any discrepancies or inaccuracies noted in the timeline.
2. Confirm the next steps for resolving the outstanding issues and ensuring a more productive meet and confer process.
3. Acknowledge the need for detailed and timely communication to facilitate compliance with procedural requirements.
4. **Discuss the potential for a motion for sanctions due to the Defendants' conduct in the meet and confer process and the untimely filing of the Motion to Dismiss.**

I am committed to resolving these matters efficiently and constructively. Your prompt attention to this issue would be greatly appreciated. Please review the attached timeline and provide your feedback at your earliest convenience.

Thank you for your cooperation and understanding.

Sincerely,

Todd

August 29, 2024

- **9:30 AM:** Mr. Kirwin sends an initial email to Mr. Hill, requesting a meet and confer regarding the Third Amended Complaint (TAC) without specifying any particular dates or times.
- **10:27 AM:** Mr. Hill responds, expressing his willingness to meet and confer and proposing two specific time slots: September 3rd or 5th, between 10 AM and 1 PM PDT. He also requests an outline or summary of the issues to be discussed.

#### August 30, 2024

- **7:33 PM:** Mr. Hill follows up with another email, expressing surprise at the lack of a timely response to his previous email and requesting an update.

#### September 2, 2024

- **4:38 PM:** Ms. Davis responds, explaining that they have been busy and Mr. Kirwin was out of the office on Friday. She inquires about Mr. Hill's availability for the following day but does not provide any specifics about the meet and confer or the issues to be addressed.
- **4:49 PM:** Mr. Hill confirms his availability for the next day but reiterates his request for an outline or summary of the issues to ensure a productive meeting.

#### September 3, 2024

- **10:03 AM:** Mr. Kirwin sends a brief email mentioning the general topics of the meet and confer (new causes of action, clarity of claims, and compliance with FRCP Rule 8) and states that he will call shortly to discuss.
- **10:05 AM:** Ms. Davis follows up, asking Mr. Hill to confirm his availability before 1 PM.
- **10:34 AM:** Mr. Hill confirms his availability but again emphasizes the need for a detailed outline to prepare adequately for the discussion.
- **10:38 AM:** Ms. Davis claims that Mr. Kirwin has already provided an outline (referring to his earlier email) and asks Mr. Hill to confirm his availability.
- **10:58 AM:** Mr. Hill expresses his concern that the "outline" provided is insufficient and requests a more comprehensive summary. He also suggests rescheduling to Thursday to allow for proper preparation.
- **11:17 AM:** Ms. Davis insists that they are only required to disclose the substance of the contemplated motion and any potential resolution, citing Local Rule 7-3. She questions Mr. Hill's refusal to meet and confer and emphasizes their busy schedules.
- **12:21 PM:** Mr. Hill clarifies that he is not refusing to meet and confer but is requesting a properly structured discussion with sufficient information. He reiterates his willingness to reschedule if needed.
- **1:35 PM:** Mr. Kirwin leaves a voicemail and sends an email asking Mr. Hill to call him back for the meet and confer.
- **1:41 PM:** Mr. Hill responds, expressing his concerns about the lack of a detailed outline and the Defendants' approach to the meet and confer process. He requests a clear and detailed outline to ensure a productive conversation.
- **2:30 PM:** Mr. Kirwin finally provides a more detailed, albeit still "brief and non-exhaustive," list of issues he intends to address.
- **3:12 PM:** Mr. Hill acknowledges the additional detail but points out inconsistencies and lack of substance in the outline. He again suggests rescheduling to Thursday for a more meaningful discussion.
- **4:00 PM:** Ms. Davis sends a lengthy email, raising additional concerns about the TAC and asserting that the extensive email exchange constitutes a meet and confer. She also questions the Plaintiff's proof of service and accuses him of attempting to delay the process.
- **5:07 PM:** Mr. Hill responds, addressing the Defendants' concerns and offering potential solutions. He reiterates his willingness to meet and confer on Thursday and requests confirmation.

#### September 4, 2024

- **10:58 AM:** Mr. Hill stresses the importance of confirming the meet and confer time for Thursday and requests relevant materials by the end of the day.
- **12:32 PM:** Ms. Jamshidi asks for available times for the meet and confer on Thursday and raises further issues with the TAC, including service, allegations against defendants, new claims, and specific problems within certain causes of action.
- **1:24 PM:** Ms. Jamshidi inquires about Mr. Hill's availability for the meet and confer on Thursday.
- **1:35 PM:** Mr. Hill responds, addressing the service issue and requesting a focus on the TAC rather than the Second Amended Complaint. He proposes a meeting between 1:00 and 3:00 PM on Thursday and asks for confirmation.
- **4:02 PM:** Ms. Jamshidi reiterates concerns about service, alleges a lack of correction of previous deficiencies, and provides a detailed critique of various causes of action in the TAC. She confirms her availability for a discussion at 1:00 PM on Thursday and asks for Mr. Hill's phone number.
- **6:01 PM:** Mr. Hill responds comprehensively, addressing each of Ms. Jamshidi's points and proposing specific solutions and amendments to the TAC. He confirms the meeting for 1:00 PM on Thursday and provides his phone number.

#### September 5, 2024



- **1:00 PM:** The meet and confer takes place, lasting approximately 11 minutes.
- **1:18 PM:** Ms. Jamshidi sends an email summarizing the meet and confer, stating that they will not agree to a Fourth Amended Complaint and intend to file their motion to dismiss on Monday, September 9th.
- **1:19 PM:** Mr. Hill sends an email clarifying his position from the meet and confer, emphasizing his willingness to discuss curative measures and expressing concerns about the Defendants' lack of engagement.
- **1:25 PM:** Ms. Jamshidi responds, reiterating their position and asserting that the extensive email exchange constitutes a good faith meet and confer effort.
- **1:35 PM:** Mr. Hill reiterates his concerns about the lack of meaningful engagement and the Defendants' potential reliance on procedural technicalities.

#### September 6, 2024

- **10:17 AM:** Mr. Hill sends an email notice and attachment related to his filing of a "Notice of Motion and Motion for Leave to Amend", and sends a supplemented TAC.
- **8:59 PM:** Mr. Hill sends a final email expressing his concerns about the overall meet and confer process and indicating the possibility of further motion practice, including sanctions, if the Defendants' conduct persists.

#### September 9, 2024

On Tue, Sep 10, 2024 at 5:06 PM Todd Hill <[toddryangregoryhill@gmail.com](mailto:toddryangregoryhill@gmail.com)> wrote:

Dear Ms. Jamshidi, Ms. Davis, and Mr. Kirwin,

Ahead of our scheduled meet and confer on September 17, 2024, at 1:00 PM, I want to ensure we make the most of our time by addressing the key issues at hand. Below are the primary points of discussion based on our recent communications and the procedural posture of this case:

### 1. Motion to Dismiss

**Frivolous Nature of the Motion:** As you are aware, the defendants were fully informed of the changes made to the Third Amended Complaint (TAC) during pre-discovery. This raises concerns that the motion to dismiss, as filed, is not only without merit but also fails to account for these updates, which were provided to avoid unnecessary motion practice. Filing a motion without a reasonable basis in law or fact, when you were aware of the changes, potentially constitutes a frivolous submission to the court.

**Rule 11 Implications:** Given the above, I would like to discuss how this motion may run afoul of Rule 11, as it appears to have been filed without the necessary diligence required by the Federal Rules of Civil Procedure. I will be seeking clarity on the factual and legal basis for continuing to pursue dismissal despite the substantive amendments to the TAC.

### 2. Rule 7-3 Compliance

**Failure to Engage in Good Faith Meet and Confer:** Rule 7-3 exists to promote judicial economy and avoid unnecessary motions by facilitating meaningful discussions. However, it seems that the defendants have not participated in the meet and confer process with genuine intent, as evidenced by scheduling a meeting while still proceeding with the motion to dismiss without allowing the discussion to conclude. This type of behavior contravenes both the letter and spirit of Rule 7-3.

**Defendants' Responsibility for Procedural Compliance:** I also take issue with the implication that further clarification regarding my offer of additional time was required. The responsibility to remain procedurally compliant rests with both parties. The suggestion that any ambiguity lies solely on my side is incorrect and shifts an undue burden onto me. Any further misunderstanding in this regard will be fully addressed during the meet and confer.

### 3. Clarification on Third Amended Complaint vs. Fourth Amended Complaint

**Mischaracterization of Intent:** I want to be clear that at no point was I proposing the filing of a Fourth Amended Complaint. My intent was solely to file a compliant TAC, addressing pre-discovery issues raised by the defendants. Misrepresenting my objective in this regard does not contribute to a productive resolution and suggests a misunderstanding or misrepresentation of my actions and objectives, which I hope to clarify during our discussion.

### 4. Pattern of Conduct Justifying Sanctions

**Pattern of Improper Conduct:** I intend to raise the broader pattern of conduct exhibited by the defendants, which includes filing meritless arguments and failing to engage meaningfully in the meet and confer process. These actions show a disregard for procedural rules, which not only wastes judicial resources but also unnecessarily escalates the litigation process. As such, I will be discussing my potential motion for sanctions, particularly in light of Mr. Spiro's prior conduct and filing, which has already been brought to the Clerk's attention.

I believe it is in the best interest of all parties to candidly address these issues during the meet and confer so that we may reach a constructive resolution and avoid further motion practice where possible. However, I must stress the importance of engaging in these discussions in good faith to ensure compliance with procedural rules and to preserve the integrity of the litigation process.

I look forward to our meeting and trust that these matters can be resolved efficiently.

Sincerely,

Todd

On Tue, Sep 10, 2024 at 10:14 AM Todd Hill <[toddryangregoryhill@gmail.com](mailto:toddryangregoryhill@gmail.com)> wrote:

Dear Ms. Jamshidi, Ms. Davis, and Mr. Kirwin,

Thank you for your recent email.

I appreciate your engagement on this matter, but I must respectfully address certain mischaracterizations related to my offer of additional time and the nature of my request.

Your inquiry appears to suggest that defendants are absolved of their obligation to remain fully aware of procedural rules and engage meaningfully in the meet-and-confer process.

As counsel representing clients in litigation involving a pro se litigant, adherence to these rules is essential to ensuring fairness, which they are specifically designed to preserve. My offer of additional time was made to ensure compliance with Rule 7-3, to allow adequate time for meaningful engagement before resorting to motion practice. The intent behind this offer was clear, and there was no ambiguity regarding a Fourth Amended Complaint, which was never part of my request. Instead, my clear and procedurally established goal was to file a compliant Third Amended Complaint, and to ensure that all parties had ample opportunity to discuss and resolve any issues before filing motions.

If clarification was required, it was incumbent upon you to request this during the meet-and-confer process, which is designed to avoid unnecessary motion practice.

Unfortunately, the subsequent actions did not reflect meaningful engagement, and this has led to the current situation.

I hope this clarifies my intent, and I remain committed to ensuring procedural compliance and working towards resolving matters efficiently.

Sincerely,

Todd

On Tue, Sep 10, 2024 at 9:41 AM Jamshidi, Arezoo <[ajamshidi@hbblaw.com](mailto:ajamshidi@hbblaw.com)> wrote:

Mr. Hill:

Your email regarding "additional time" was unclear and I sought clarification as your email was not clear on exactly what you were requesting. I did not receive a response. See below:

RE: Hill v. Peoples College of Law; meet and confer



Jamshidi, Arezoo

To: Todd Hill

Cc: Davis, Yvette; Kirwin, Jeffrey

Bcc: NW08\_0127\_Hill\_Todd R\_G\_vs\_ The Board of Directors\_ Officers and Agents an



Thu 9/5/2024 1:19 PM

Mr. Hill:

This shall memorialize our meet and confer discussions.

1. I requested that you provide clarification of your proposal to extension of time. It is unclear from your email whether you are asking for additional time to meet and confer or requesting additional time to file a Fourth Amended Complaint. Please advise.
2. You believe that the TAC can be amended by striking certain portions. I disagreed. I believe the TAC would need to be redrafted entirely.
3. Service → you have already stated below that you acknowledge that the complaint did not get served until August 26. We are moving forward with our motion to dismiss based on the August 26 timeframe. I stated that you can file an amended proof if you choose.
4. You claimed that we are not meeting in good faith because we do not agree that you can file a Fourth Amended Complaint. I explained that it is unfair to my clients to have to continuously pay for attorney time and expend resources to provide you a fifth opportunity to cure the defects. You have failed to correct the deficiencies the court laid out for you in detail. We have no guarantee that you will actually cure any of the defects below as the court has already given you detailed instructions to do so but you have not heeded those instructions. You determined there is no purpose in discussing the substantive issues if we will not agree to you filing a Fourth Amended Complaint. We disagreed.

We do intend to file our motion to dismiss on Monday, September 9.

Best,  
Arezoo

Yet again, you misinterpret the purpose of Rule 7-3 and your continuous crutch on this local rule is misguided. Our position was and continues to be that you should dismiss your complaint as to our client because you have been given ample opportunity to comply with the federal rules of civil procedure, including Rule 8 and Rule 12, but have continuously failed to do so.

Our position was and continues to be that we do not agree to allow you to file a fourth amended complaint. We are permitted to have these positions and the meet and confer requirements do not force us to agree with your position and allow for another amendment. It continues to be clear from your correspondence that you interpret the local meet and confer rules as a requirement for us to agree with your position. The local rules do not support such a requirement. That is not the purpose of the local rules.

It is ok that we disagree on our positions – that happens in the practice of law. But you cannot continuously label that as “bad faith” or “disingenuous.” We wouldn’t have to file our motion if you simply dismissed your complaint. But we are not claiming that your failure to do so is “bad faith” or “disingenuous.” Instead, we are going to have the Court decide on the issue and that is ok.

As to service, we will let the Court decide on that as well. As you are aware, the Court on two occasions has revoked your e-filing privileges. [See Dkt. Nos. 7 & 37.] Yet, you filed the TAC electronically. This likely caused the delay in us receiving the TAC.

We clearly disagree on when the motion was due (14 days v. 21 days). Regardless of this disagreement, there is no such thing as a premature filing. Parties are permitted to file their motions before the deadlines outlined in the federal rules. We will let the Court decide on your position of the “premature” filing.

This will confirm our meet and confer on Tuesday, September 17 at 1:00 p.m. Please contact me directly at 619.961.4810.

Best,

Arezoo

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**From:** Todd Hill <[toddryangregoryhill@gmail.com](mailto:toddryangregoryhill@gmail.com)>  
**Sent:** Monday, September 9, 2024 6:44 PM  
**To:** Jamshidi, Arezoo <[ajamshidi@hbblaw.com](mailto:ajamshidi@hbblaw.com)>  
**Cc:** Kirwin, Jeffrey <[jkirwin@hbblaw.com](mailto:jkirwin@hbblaw.com)>; Davis, Yvette <[ydavis@hbblaw.com](mailto:ydavis@hbblaw.com)>  
**Subject:** Re: Request for Meet and Confer - Contemplated Rule 11 Sanctions Motion Against Defendants

Dear Ms. Davis, Ms. Jamshidi, and Mr. Kirwin,

Thank you for your response, but I believe several key points in your argument require correction and clarification.

First, regarding the timeliness of your Motion to Dismiss, I remind you that I offered additional time to respond to the Third Amended Complaint (TAC), which you declined. This refusal, followed by your decision to file the Motion to Dismiss on September 9, 2024, strongly indicates an intention to bypass any meaningful discussion during the meet and confer process.

Rule 7-3 exists to ensure parties engage in good faith negotiations prior to filing motions, and by setting a meeting for September 3, while intending to file regardless just days later, you violated both the spirit and the letter of the rule.

Second, your argument regarding service misstates the timeline. While you claim the 14-day period started on August 26, 2024, you were provided with the TAC on August 21, 2024, giving ample time to prepare a response within the permitted period under Rule 15(a)(3). The fact that you proceeded with the Motion to Dismiss while dismissing these factors demonstrates an unnecessary rush to litigation instead of resolving matters through proper dialogue.

Regarding Rule 7-3, your assertion that my refusal to take a call on September 3 excuses the violation is unfounded. Your colleague's call did not represent a good faith attempt to confer, especially considering your planned filing of the Motion to Dismiss so shortly thereafter. The meet and confer process requires genuine effort to resolve issues before involving the court, not a checkbox exercise as was evident here.



Moreover, your continued focus on the notion that my sanctions motion would be "frivolous" overlooks the fact that your motion was filed after ignoring multiple opportunities for resolution.

It is disingenuous to accuse me of harassment for pursuing proper procedural remedies when you chose to file prematurely.

Additionally, I have already raised similar concerns with the Clerk of the Court regarding Mr. Spiro's violative filing in a separate email of September 5, 2024, which you received and further demonstrates a pattern of non-compliance with procedural rules. By notifying the Clerk, I placed the defendants on additional notice about their failure to adhere to the court's procedural requirements. This ongoing disregard for proper process not only undermines the purpose of Rule 7-3 but also reflects a deliberate strategy to circumvent meaningful engagement.

Finally, the cases you cite, including *Bond v. American Medical Ass'n* and *Aetna Life Ins. Co. v. Alla Med. Services, Inc.*, are neither on point nor directly applicable to the present situation.

My contemplated motion is not a "hair-trigger" reaction but a well-supported response to clear procedural violations. Notably, an "after hours" email sent to you on September 6, 2024 discusses many of the above concerns. The circumstances surrounding your filings and refusal to engage in a meaningful meet and confer process support this position.

I have made multiple good faith efforts to resolve these issues without involving the court, and the record will reflect that.

I am available for the meet and confer at 1:00 PM on Tuesday, September 17, 2024, as suggested.

However, if this issue proceeds to motion practice, I will demonstrate that the timeline of events and your disregard for procedural rules warrant appropriate sanctions.

Sincerely,

Todd

On Mon, Sep 9, 2024 at 5:50 PM Jamshidi, Arezoo <[ajamshidi@hbblaw.com](mailto:ajamshidi@hbblaw.com)> wrote:

Mr. Hill:

I would strongly suggest you reconsider your contemplated motion as your groundless motion for sanctions is itself sanctionable under Rule 11. *Bond v. American Med. Ass'n*, 764 F.Supp. 122, 126, fn. 3 (ND IL 1991) (a groundless motion for sanctions is itself sanctionable under Rule 11); see also *Alliance to End Repression v. Chicago*, 899 F2d 582, 583 (7th Cir. 1990) ("hair-trigger" sanctions motions are sanctionable).

Please note that your tactics and constant emails are not only unnecessary, but have crossed into harassment. Defendants will seek sanctions if you continue down this road. As outlined below, none of your arguments have merit and are frivolous and are an attempt to force Defendants to agree to allow you to amend your complaint. Defendants are not required to do this and no meet and confer rules would require such stipulations.

1. **Untimeliness** → Defendants' motion to dismiss the Third Amended Complaint was not untimely. Pursuant to FRCP 15(a)(3), Defendants' response to your TAC was due "within 14 days after service of the amended pleading." Defendants were served with the TAC on August 26, 2024. Therefore, Defendants motion was timely filed today. You misinterpret FRCP 15(a)(1)(B), which allows you only ONE amendment as a matter of course. You are now on your Third Amended Complaint and have forgone the ability to amend your pleading once as a matter of course (that would have been your first amended complaint).
2. **Violation of Rule 7-3** → you mistake Defendants' unwillingness to stipulate to allow you to file a Fourth Amended Complaint as violation of the meet and confer process. Moreover, there is not such thing as a 7-day "waiting period." As you are well-aware and as documented in numerous emails, we met and conferred via email numerous times. Despite having scheduled a call, you refused to take my colleague's call on September 3<sup>rd</sup> when he attempted to discuss the issues with you telephonically. *Your* refusal to do so cannot now translate into *our* violation of the meet and confer rule.
3. **Lack of Good Faith** → I just submitted 25 plus pages of email correspondence between you and our firm regarding meet and confer efforts. I reiterate that your claim that we did not meet and confer is completely misrepresented. You have a misunderstanding of the meet and confer requirements – they do NOT require Defendants to stipulate to you amending your complaint.
4. **Frivolous Arguments** → the arguments made in the motion to dismiss are not frivolous simply because you filed request for leave to file a so called "Amended Third Amended Complaint" (aka a Fourth Amended Complaint). The Court has not accepted granted you leave for filing yet another amended pleading and Defendants were therefore required to file this Motion to Dismiss the TAC today.

It is your conduct that demonstrates a deliberate attempt to waste judicial and party resources and mislead the court. Such harassing conduct is sanction. Fed. R. Civ. P 11 (sanctions under Rule 11 may be appropriate if (a) the paper is based on "bad law," (b) the paper is based on "bad facts" or (c) the paper is presented for an improper purpose such as harassment.). "[T]here comes a point when successive motions and papers become so harassing and vexatious that they justify sanctions even if they are not totally frivolous ... [T]he cumulative effect of the Defendants' litigation tactics could indicate the motion was filed for an improper purpose." *Aetna Life Ins. Co. v. Alla Med. Services, Inc.*, 855 F.2d 1470, 1476-1477 (9th Cir. 1988) (filing successive motions on behalf of separate groups of jointly-represented defendants may be delaying tactic); *G.C. & K.B. Investments, Inc. v. Wilson*, 326 F.3d 1096, 1110 (9th Cir. 2003) ("successive complaints based upon propositions of law previously rejected may constitute harassment under Rule 11"); *Vallejo v. Amgen, Inc.*, 903 F.3d 733, 748-749 (8th Cir. 2018) (district court did not abuse its discretion in imposing Rule 11 sanctions on attorney who filed successive motions to relitigate issues previously denied by court).

I am available on Tuesday, September 17, 2024 at 1p, but I remain hopeful that this encourages you to reconsider your frivolous sanctions motion.

Best,

Arezoo

Arezoo Jamshidi | [Profile](#)

The State Bar of California Board of Legal Specialization

D: 619.961.4810

213.542.8176

[ajamshidi@hbblaw.com](mailto:ajamshidi@hbblaw.com)

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**From:** Todd Hill <[toddryangregoryhill@gmail.com](mailto:toddryangregoryhill@gmail.com)>  
**Sent:** Monday, September 9, 2024 5:01 PM  
**To:** Jamshidi, Arezoo <[ajamshidi@hbblaw.com](mailto:ajamshidi@hbblaw.com)>; Kirwin, Jeffrey <[jkirwin@hbblaw.com](mailto:jkirwin@hbblaw.com)>; Davis, Yvette <[ydavis@hbblaw.com](mailto:ydavis@hbblaw.com)>  
**Subject:** Request for Meet and Confer - Contemplated Rule 11 Sanctions Motion Against Defendants

**EXTERNAL** - This message came from outside the Firm.

Dear Ms. Davis, Ms. Jamshidi, and Mr. Kirwin,

Pursuant to Local Rule 7-3 of the Central District of California, I am writing to request a meet and confer conference to discuss a contemplated motion for sanctions against your clients. The contemplated motion will

seek sanctions under Federal Rule of Civil Procedure 11 for the filing of the Motion to Dismiss Plaintiff's Third Amended Complaint with Prejudice.

As you are aware, Local Rule 7-3 requires that the parties meet and confer in good faith to resolve any dispute that may result in the filing of a motion. The contemplated motion for sanctions arises from the following concerns:

1. **Untimeliness:** The Motion to Dismiss was filed on September 9, 2024, which is beyond the 21-day deadline for responding to an amended pleading as stipulated in Federal Rule of Civil Procedure 15(a)(1) (B). The Defendants' argument that they did not receive service until August 26th is unavailing, as electronic filing constitutes service under the Local Rules, and the Third Amended Complaint was electronically filed on August 21st.
2. **Violation of Local Rule 7-3:** The Motion to Dismiss was filed prematurely, as it was submitted before the expiration of the 7-day waiting period required by Local Rule 7-3 following the meet and confer process. The meet and confer efforts concluded on September 5th, making the filing on September 9th a clear violation of the rule. Furthermore, your attempts to schedule a meet and confer on the prior Thursday, failure to confirm despite a reminder, and subsequent contact on Monday, September 3rd, suggest a lack of genuine effort to comply with the rule's timeliness requirement.
3. **Lack of Good Faith:** The Defendants' conduct throughout the meet and confer process raises concerns about their commitment to good faith resolution. Defendants' actions during the meet and confer process—including delays, failure to provide substantive outlines, and lack of preparation—demonstrate a lack of good faith and failure to comply with the procedural requirements of Local Rule 7-3.
4. **Frivolous Arguments:** Defendants' Motion to Dismiss includes arguments that are frivolous and made in bad faith. Specifically, Defendants had been provided with a copy of the amended filing on September 6, 2024. The amended filing did not contain the issues raised in their motion, which was filed on September 9, 2024. Despite having access to this corrected filing, Defendants proceeded with mischaracterizations and false claims in their motion, in violation of FRCP 11(b). Such conduct reflects a deliberate attempt to waste judicial resources and mislead the Court.

Please confirm a date for the meet and confer by no later than Thursday, September 12, 2024. I am available on the following dates:

- **Monday, September 16th, between 1:00 PM and 2:00 PM**
- **Tuesday, September 17th, between 1:00 PM and 2:00 PM**

I look forward to your timely response.






Sincerely,

Todd

[Message clipped] [View entire message](#)

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#### 5 attachments

-  **FW: Hill v. Peoples College of Law; meet and confer.eml**  
172K
-  **FW: Request for Meet and Confer - Contemplated Rule 11 Sanctions Motion Against Defendants.eml**  
63K
-  **Re: Request for Meet and Confer - Contemplated Rule 11 Sanctions Motion Against Defendants.eml**  
223K
-  **Request for Meet and Confer - Contemplated Rule 11 Sanctions Motion Against Defendants.eml**  
16K
-  **Re: Request for Meet and Confer - Contemplated Rule 11 Sanctions Motion Against Defendants.eml**  
68K

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**Todd Hill** <toddryangregoryhill@gmail.com>

To: "Jamshidi, Arezoo" <ajamshidi@hbblaw.com>

Cc: "Kirwin, Jeffrey" <jkirwin@hbblaw.com>, "Davis, Yvette" <ydavis@hbblaw.com>

Tue, Sep 17, 2024 at 4:10 PM

Dear Ms. Jamshidi, Ms. Davis, and Mr. Kirwin,

Thank you for your response. I would like to address and clarify several points based on our recent communications and the procedural requirements outlined in Local Rule 7-3.

1. **Meet and Confer Requirements:** Local Rule 7-3 mandates that counsel must confer at least 7 days prior to filing a motion to discuss the substance and potential resolution. Your assertion that there is no such requirement is inaccurate. Rule 7-3 explicitly states the need for this conference to take place 7 days before filing, which was not adhered to as we did not have the required discussion before the motion to dismiss was filed. Therefore, the motion was not timely according to the rule.
2. **Documentation and Responses:** Your emails and responses, while extensive, did not satisfactorily address the procedural issues and substantive questions raised. Specifically, the responses to my inquiries often included answers that were irrelevant or incomplete, and significant questions remained unaddressed.
3. **Refusal to Grant Leave to Amend:** The unilaterally stated refusal to permit a Fourth Amended Complaint was raised during our meeting without prior context. This refusal appeared to obfuscate rather than resolve issues, and it is important to emphasize that such refusal should be formally considered by the court, not decided unilaterally in a meet-and-confer.
4. **Miscommunications and Waivers:** The issue of waivers, which you acknowledged as pending, has indeed faced delays. The timing of your responses to the corrected waivers—received late and requiring a quick turnaround—has contributed to procedural difficulties. This issue needs to be resolved promptly to avoid further delays.
5. **Harassment Allegations:** My intention in sending multiple communications was to seek clarity and resolve procedural issues, not to harass. The repeated nature of my communications reflects a necessary effort to ensure accurate and complete information, as required for effective resolution. I request that we focus on resolving these issues constructively rather than through threats of sanctions or protective orders.
6. **Future Actions and Sanctions:** I am committed to addressing the procedural and substantive matters in good faith and seek the same from your side. The threats of sanctions or protective orders for my attempts to clarify and resolve issues seem premature and counterproductive. Instead, I propose a continued focus on constructive engagement and resolution of the underlying matters.

Please confirm receipt of this email and provide any additional information or corrections if my summary contains inaccuracies. I am keen to resolve these issues efficiently and fairly and look forward to your cooperation in doing so.

Best regards,

Todd

[Quoted text hidden]

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**Jamshidi, Arezoo** <ajamshidi@hbblaw.com>  
To: Todd Hill <toddryangregoryhill@gmail.com>  
Cc: "Kirwin, Jeffrey" <jkirwin@hbblaw.com>, "Davis, Yvette" <ydavis@hbblaw.com>

Tue, Sep 17, 2024 at 4:27 PM

See responses in red.

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**From:** Todd Hill <toddryangregoryhill@gmail.com>  
**Sent:** Tuesday, September 17, 2024 4:11 PM  
**To:** Jamshidi, Arezoo <ajamshidi@hbblaw.com>  
**Cc:** Kirwin, Jeffrey <jkirwin@hbblaw.com>; Davis, Yvette <ydavis@hbblaw.com>  
**Subject:** Re: Agenda for Today's Meeting and Outstanding Service Waivers

Dear Ms. Jamshidi, Ms. Davis, and Mr. Kirwin,



Thank you for your response. I would like to address and clarify several points based on our recent communications and the procedural requirements outlined in Local Rule 7-3.

1. **Meet and Confer Requirements:** Local Rule 7-3 mandates that counsel must confer at least 7 days prior to filing a motion to discuss the substance and potential resolution. Your assertion that there is no such requirement is inaccurate. Rule 7-3 explicitly states the need for this conference to take place 7 days before filing, which was not adhered to as we did not have the required discussion before the motion to dismiss was filed. Therefore, the motion was not timely according to the rule. **We do not agree as stated below.**
2. **Documentation and Responses:** Your emails and responses, while extensive, did not satisfactorily address the procedural issues and substantive questions raised. Specifically, the responses to my inquiries often included answers that were irrelevant or incomplete, and significant questions remained unaddressed. **Our emails are substantive and although you may not agree with our responses, it does not equate to failure to meet and confer.**
3. **Refusal to Grant Leave to Amend:** The unilaterally stated refusal to permit a Fourth Amended Complaint was raised during our meeting without prior context. This refusal appeared to obfuscate rather than resolve issues, and it is important to emphasize that such refusal should be formally considered by the court, not decided unilaterally in a meet-and-confer. **Again, a mischaracterization per below.**
4. **Miscommunications and Waivers:** The issue of waivers, which you acknowledged as pending, has indeed faced delays. The timing of your responses to the corrected waivers—received late and requiring a quick turnaround—has contributed to procedural difficulties. This issue needs to be resolved promptly to avoid further delays. **Please address with Mr. Kirwin and Ms. Davis.**
5. **Harassment Allegations:** My intention in sending multiple communications was to seek clarity and resolve procedural issues, not to harass. The repeated nature of my communications reflects a necessary effort to ensure accurate and complete information, as required for effective resolution. I request that we focus on resolving these issues constructively rather than through threats of sanctions or protective orders. **We do not agree.**
6. **Future Actions and Sanctions:** I am committed to addressing the procedural and substantive matters in good faith and seek the same from your side. The threats of sanctions or protective orders for my attempts to clarify and resolve issues seem premature and counterproductive. Instead, I propose a continued focus on constructive engagement and resolution of the underlying matters. **You are the one constantly threatening sanctions and we are constantly having to defend our actions against your meritless accusations. I agree, that time would be better spent.**

[Quoted text hidden]

[Quoted text hidden]

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Todd Hill <toddryangregoryhill@gmail.com>

Tue, Sep 17, 2024 at 5:16 PM

To: "Jamshidi, Arezoo" <ajamshidi@hbblaw.com>

Cc: "Kirwin, Jeffrey" <jkirwin@hbblaw.com>, "Davis, Yvette" <yDavis@hbblaw.com>

For clarity of the record and to unify the discussion, see the responses below:

Dear Ms. Jamshidi, Ms. Davis, and Mr. Kirwin,

Thank you for your response. To maintain record clarity, I address the points raised in your "red text" regarding the nature of our discussion and the handling of questions during our meet-and-confer on September 17, 2024 below:

**1. Meet and Confer Requirements:**

- 
- **Timing and Untimeliness:** The concern I raised regarding the timing of filings, specifically the untimeliness of the motion to dismiss and the responses to various procedural matters, has not been adequately addressed. The consistent avoidance of this issue is problematic and prevents us from resolving the matter efficiently. The focus here is on ensuring that procedural requirements are met within the appropriate timeframes, which is a separate issue from the substantive disagreements noted.
- **Substantive Disagreements:** While you have stated your position on the substantive matters, such as the refusal to grant leave to amend or the stance on dismissal, these are different from the procedural issue of timing. My intention is to address the procedural lapses and ensure compliance with relevant rules, which includes timely responses and filings.

**1. Deposition Clarification and Good Faith Discussion:**

- **Effective Dialogue:** While it was stated that the meeting was not intended to be a deposition, the use of highlighted email chains did not facilitate a genuine discussion. Effective meet-and-confer

discussions should involve interactive engagement, where both parties address each other's concerns directly. Relying solely on documentation does not align with the principles of good faith required for these discussions. My questions were designed to maintain a clear record and ensure all relevant issues were addressed comprehensively.

- **Alignment of Responses:** The highlighted emails provided did not correspond to the questions posed, indicating a lack of alignment with the specific issues I aimed to clarify. Effective dialogue necessitates that responses directly address the concerns raised.
- **Timing and Untimely Filing:**

## 2. Mischaracterization of the Record and Denial of "Unrequested" Leave to Amend:

- **Record Mischaracterization:** The issue of leave to file a Fourth Amended Complaint was not raised during our discussions and was not a condition for the meet-and-confer process. The focus was on compliance with Rule 7-3 and resolving procedural and substantive disputes, not on seeking permission to amend further. Introducing this issue appears to be a construct to obscure the actual matters at hand.
- **Rule 15 Compliance:** The Third Amended Complaint was filed within the Rule 15 window, as allowed, without needing formal leave from your side. Any suggestion that I was required to request leave is a mischaracterization of the procedural context and my clear intent.

## 3. Dismissal as Sole Objective:

- **Mischaracterization of Amendment Requests:** I did not seek leave to amend, nor was it mentioned in our discussions. The Third Amended Complaint was filed in accordance with Rule 15 to address previous issues. The assertion that dismissal without leave is justified overlooks the procedural context and the good faith efforts made to amend and resolve the complaint.
- **Focus on Dismissal:** The focus on dismissal rather than engaging substantively with amendments seems to divert attention from addressing the core issues effectively. The goal is to ensure that the complaint is clear and accurate, not to obstruct the process.

## 4. Response to Threat of Motion for Harassing Conduct:

- **Mischaracterization:** The threat of a motion for "harassing conduct" appears to be a strategic move to deflect from substantive issues. My questions during the meet-and-confer were legitimate attempts to clarify procedural matters, not harassment.
- **Repetitive Communications:** Repetitive communications are a necessary step to address unresolved issues, not harassment. These efforts are meant to ensure that all aspects of the case are thoroughly examined.
- **Resource Utilization:** Raising issues repeatedly is intended to ensure proper resolution and is not meant to waste resources. It is crucial to address these issues thoroughly to facilitate a fair resolution.

## 5. Response to Outstanding Corrected Waivers:

- **Responsibility and Delay:** As lead counsel, you are responsible for the conduct and coordination of your team. The ongoing delay in providing the waivers reflects poorly on the efficiency of handling this matter.
- **Delaying Tactic:** The continued postponement and non-committal stance on providing these waivers seem to be delaying tactics. Given Mr. Kirwin's statement that some waivers have already been provided, it is perplexing that we are still engaged in discussions rather than receiving the necessary documents.
- **Request for Copies:** To expedite resolution, I urge you to provide copies of the corrected waivers that have already been completed. This will help resolve the matter without further delays.

Thank you for your attention to these matters.

I look forward to resolving these issues constructively.

Best regards,

Todd

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**EXHIBIT D**

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Todd Hill <toddryangregoryhill@gmail.com>

## Hill v. Peoples College of Law et al. (Case No. 2:3-cv-01298-JLS-BFM) Request for Stipulations to Certain Facts for Judicial Efficiency

5 messages

Todd Hill <toddryangregoryhill@gmail.com>

Wed, Nov 13, 2024 at 12:40 PM

To: "Kirwin, Jeffrey" <jkirwin@hbblaw.com>, "Jamshidi, Arezoo" <ajamshidi@hbblaw.com>, "Davis, Yvette" <yddavis@hbblaw.com>

Dear Ms. Davis, Ms. Jamshidi and Mr. Kirwin,

I hope this letter finds you well.

In the interest of expediting the resolution of procedural issues in our ongoing matter, to ensure efficient resolution of these procedural issues and to reduce unnecessary litigation, I am writing to request your stipulation to the following specific facts. These facts, as referenced in our recent filings, are not reasonably in dispute, and their stipulation would help narrow the scope of issues that require the Court's consideration.

Furthermore, I believe that by addressing these issues now, we can meet the requirements of Federal Rule of Civil Procedure 7 and Local Rule 7-3, thereby promoting efficient litigation.

The stipulations requested herein serve the shared interest of all parties and the Court in ensuring judicial economy and compliance with established procedural rules. By addressing these issues now, we can avoid unnecessary procedural complications, streamline litigation, and ensure an efficient and fair resolution.

Please note that pursuant to Local Rule 7-1, any stipulation we reach must be filed with the Court, accompanied by a separate order as provided in Local Rule 52-4.1, and will only be effective upon approval by the judge. As such, I am requesting that we proceed with formalizing these stipulations appropriately, should we reach agreement.

### Requested Stipulations:

#### 1. Date and Nature of the Meet-and-Confer Process:

- Stipulate that an attempted meet-and-confer phone call by Mr. Kirwin took place on September 3, 2024.
- Stipulate that the meet-and-confer call on September 3, 2024 was unscheduled.
- Stipulate that the purported meet-and-confer conducted on September 5, 2024 did not include substantive engagement on the specific issues raised in Dockets 194 and 196.

Ensuring proper authorization and adherence to procedural timelines is not a matter of mere technicality but rather an essential aspect of maintaining judicial integrity. Failure to follow these processes undermines the meaningful engagement required by Local Rule 7-3 and can lead to unnecessary disputes that ultimately prejudice the proper administration of justice.

In similar cases, such as GEC US 1 LLC v. Frontier Renewables LLC, courts have emphasized the importance of full compliance with pre-filing procedural requirements to avoid prejudicial impacts on parties. As such, compliance with Local Rule 7-3 in both spirit and letter is critical to preventing unnecessary disputes and maintaining judicial efficiency.

#### 2. Service Waiver Authorization:

- Stipulate that Docket 159 was filed prior to receipt of authorizations from the defendants covered in the Motion to Dismiss at Docket 186.
- Stipulate that the service waiver authorization referenced in Docket 196 was received by your office on October 11, 2024.
- Stipulate that the phrasing "received by October 11, 2024," as used in the Kirwin declaration and response (See Docket 196), lacks specificity regarding the exact date of receipt and creates ambiguity regarding the timing of authorization.

While service waivers and authorization may be distinct concepts, the timing of service waivers is relevant to establish whether defendants had officially recognized representation by counsel for the purposes of engaging in substantive negotiations. Without such waivers, it is unclear whether counsel had either express or implied authority to proceed with the meet-and-confer in accordance with Local Rule 7-3. Therefore, the issue of authorization is inseparable from the

receipt of proper service waivers in this context.

It is critical to note that reliance on 'implied authority' in this context is likely inadequate given the significance of the meet-and-confer process. Local Rule 7-3 requires meaningful engagement by duly authorized counsel to prevent any procedural deficiencies. Without express authorization from each defendant, any attempted discussions lack the requisite legal validity to fulfill procedural requirements under the rule, thus compromising the integrity of the process.

### 3. Compliance with Local Rule 7-3:

- a. Stipulate that Defendants' Motion to Dismiss (Docket 186) was filed on October 21, 2024.
- b. Stipulate that Defendants' Motion to Dismiss (Docket 159) was filed fewer than the required seven days following the attempted meet-and-confer on September 5, 2024, in accordance with Local Rule 7-3.

Compliance with procedural rules, such as Local Rule 7-3, is a standard that applies equally to all parties—represented or otherwise. The importance of full compliance with this rule cannot be understated, as it ensures fairness, prevents procedural gamesmanship, and facilitates efficient resolution of disputes.

### 4. Authorization to Conduct Meet-and-Confer:

- a. Stipulate that Mr. Kirwin did not have express authorization from all defendants to engage in the attempted telephonic meet-and-confer on September 3, 2024.
- b. Stipulate that Mr. Kirwin did not have express authorization from all defendants to engage in the meet-and-confer held on September 5, 2024.
- c. Stipulate that Ms. Davis did not have express authorization from all defendants to engage in the attempted telephonic meet-and-confer on September 3, 2024.
- d. Stipulate that Ms. Davis did not have express authorization from all defendants to engage in the meet-and-confer held on September 5, 2024.
- e. Stipulate that Ms. Jamshidi did not have express authorization from all defendants to engage in the attempted telephonic meet-and-confer on September 3, 2024.
- f. Stipulate that Ms. Jamshidi did not have express authorization from all defendants to engage in the meet-and-confer held on September 5, 2024.

The absence of express authorization from each defendant would directly undermine compliance with Local Rule 7-3, which requires meaningful engagement by authorized representatives. Failure to adhere to this rule questions the legitimacy of the subsequent filings and procedural fairness.

I understand that service waivers serve the specific purpose of waiving formal personal service, thereby confirming the defendants' entry into the case. Authorization to conduct procedural meetings such as the meet-and-confer is distinct yet interrelated, as it requires formal recognition of counsel's ability to speak and negotiate on behalf of the defendant. Until service waivers are in place, it is challenging to establish that all defendants are appropriately represented in such negotiations.

### 5. Attempts to Clarify Meet-and-Confer Content:

- a. Stipulate that Plaintiff, Todd Hill, sent multiple emails requesting clarification regarding the scope of the meet-and-confer held in early September 2024.
- b. Stipulate that the emails sent by Plaintiff, Todd Hill, requesting clarification regarding the scope of the meet-and-confer were either ignored or inadequately addressed by Haight.

### 6. Timing of Meet-and-Confer and Subsequent Filings:

- a. Stipulate that the meet-and-confer that occurred on September 5, 2024 took place fewer than the required seven days before the Defendants' Motion to Dismiss was filed on October 21, 2024.

### 7. Receipt of the Service Waiver Authorization from Specific Defendants:

- a. Stipulate that service waiver authorization was not received from Ms. Jamshidi, Ms. Davis, and Mr. Kirwin until October 11, 2024.
- b. Stipulate that service waiver authorization was not received from Ms. Jamshidi until October 11, 2024.
- c. Stipulate that service waiver authorization was not received from Ms. Davis until October 11, 2024.
- d. Stipulate that service waiver authorization was not received from Mr. Kirwin until October 11, 2024.

The absence of express authorization from all defendants calls into question the legitimacy of the meet-and-confer process, thereby undermining compliance with Local Rule 7-3.

### 8. Affidavit Issues in Prior Filings:

- a. Stipulate that the original caption of Defendants' motion failed to identify at least one declarant who provided an affidavit.
- b. Stipulate that no corrective filing was made to address this inconsistency.

The above-requested stipulations are directly relevant to ongoing issues regarding procedural compliance and transparency. By stipulating to these facts, we can collectively help the Court streamline its evaluation of the pending motions, thereby conserving judicial resources and reducing unnecessary motion practice. Should you agree to stipulate to these facts, I believe it could help both parties focus on the substantive issues in dispute rather than expending time and resources addressing procedural inconsistencies.

I kindly request that you respond to this request by November 15, 2024. If we are unable to reach an agreement regarding these stipulations by that date, please be advised that I intend to proceed with filing a formal motion for judicial notice under Federal Rule of Evidence 201 to address these procedural matters.

Additionally, please note that under Local Rule 7-3, the meet-and-confer conference must occur at least seven days before filing any motion. It appears that this requirement was not fully adhered to, which has necessitated this request. Your cooperation in stipulating to these facts will be instrumental in ensuring compliance with procedural rules and facilitating an orderly resolution to the pending issues.

I appreciate your attention to this matter and look forward to your prompt response.

Thank you for your cooperation.

Sincerely,  
Todd

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**Jamshidi, Arezoo** <ajamshidi@hbblaw.com>

Wed, Nov 13, 2024 at 12:51 PM

To: Todd Hill <toddryangregoryhill@gmail.com>, "Kirwin, Jeffrey" <jkirwin@hbblaw.com>, "Davis, Yvette" <yddavis@hbblaw.com>

Mr. Hill:

We will not be stipulating to any of the facts below. We are comfortable with the court making a judicial determination on the motions as they stand.

Best,

Arezoo

Arezoo Jamshidi | [Profile](#)  
Certified Specialist, Appellate Law  
The State Bar of California Board of Legal Specialization  
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**Haight**

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HBB SD Exclaimer Long

**From:** Todd Hill <toddryangregoryhill@gmail.com>

**Sent:** Wednesday, November 13, 2024 12:40 PM

**To:** Kirwin, Jeffrey <jkirwin@hbblaw.com>; Jamshidi, Arezoo <ajamshidi@hbblaw.com>; Davis, Yvette <ydavis@hbblaw.com>

**Subject:** Hill v. Peoples College of Law et al. (Case No. 2:3-cv-01298-JLS-BFM) Request for Stipulations to Certain Facts for Judicial Efficiency

**EXTERNAL** - This message came from outside the Firm.

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**Todd Hill** <toddryangregoryhill@gmail.com>

Wed, Nov 13, 2024 at 2:13 PM

To: "Jamshidi, Arezoo" <ajamshidi@hbblaw.com>

Cc: "Kirwin, Jeffrey" <jkirwin@hbblaw.com>, "Davis, Yvette" <ydavis@hbblaw.com>

**Dear Ms. Jamshidi, Ms. Davis, and Mr. Kirwin,**

Thank you for your prompt response.

I acknowledge your position regarding the request for stipulations. However, I believe it is important to underscore that the requested stipulations were made with the sole purpose of ensuring judicial efficiency and avoiding unnecessary motion practice, as well as to bring clarity to procedural elements that are not reasonably in dispute.

While I respect your decision not to stipulate to these specific facts, I remain concerned about several procedural matters, particularly with regard to compliance with **Local Rule 7-3** and the issue of express authorization from all defendants. These matters are significant, as they bear directly on the legitimacy of the procedural steps taken by your office, including the filing of motions without adequate meet-and-confer discussions in compliance with the rules.

As I am certain you appreciate, adherence to procedural rules is critical in maintaining the fairness and integrity of our judicial process. The Court's goal, as is mine, is to resolve disputes as efficiently and equitably as possible, minimizing the use of judicial resources wherever practicable. With that in mind, I had hoped that reaching a mutual understanding on procedural facts could reduce the number of matters requiring the Court's involvement. Since the opportunity to stipulate has been declined, I will proceed accordingly.

To that end, I will be preparing a **motion for judicial notice** under **Federal Rule of Evidence 201** to formally request that the Court take notice of the procedural deficiencies that I outlined in my stipulation request, including the timing of service waivers and the issue of authorization. The purpose of this filing is not to be contentious, but rather to ensure a clear, transparent, and procedurally sound litigation process.

I trust that the Court will appreciate my good-faith efforts to resolve these issues amicably, as well as my continued commitment to ensuring that all parties adhere strictly to procedural requirements.

Please let me know if there are any changes to your position or if there is any other aspect of these procedural concerns that you wish to discuss before I proceed with the filing. Should your stance change, I am more than willing to revisit these discussions.

Thank you again for your time and consideration.

Sincerely,

Todd

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**Jamshidi, Arezoo** <ajamshidi@hbblaw.com>

Wed, Nov 13, 2024 at 7:17 PM

ID #:7984

Exhibit D, pg. 5 of 5

To: Todd Hill <toddryangregoryhill@gmail.com>

Cc: "Kirwin, Jeffrey" <jkirwin@hbblaw.com>, "Davis, Yvette" <ydavis@hbblaw.com>

These are not facts that can be judicially noticed. But we can address that in our opposition.

Best,

Arezoo

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**Todd Hill** <toddryangregoryhill@gmail.com>

Thu, Nov 14, 2024 at 6:40 AM

To: "Jamshidi, Arezoo" <ajamshidi@hbblaw.com>

Cc: "Kirwin, Jeffrey" <jkirwin@hbblaw.com>, "Davis, Yvette" <ydavis@hbblaw.com>

Dear Ms. Jamshidi, Ms. Davis and Mr. Kirwin,

Thank you for your response.

I respectfully maintain that the facts outlined are appropriate for judicial notice under FRE 201, as they are drawn from documented procedural events and are not subject to reasonable dispute. The intention behind judicial notice is to streamline proceedings by eliminating the need for evidentiary proof of facts already well-supported by the record.

Given your response, I will proceed with filing my pending Motion for Judicial Notice. I would appreciate any additional thoughts you have on these matters before I do so.

Best regards,

Todd

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